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THE LINCOLN-DOUGLAS DEBATES AND THEIR APPLICATION TO PRESENT PROBLEMS.

BY HANNIS TAYLOR.

THE editor of the REVIEW has invited me to restate, within narrow limits, the essence of the questions involved in the Lincoln-Douglas debates of 1858, with a view to the application of the basic principle underlying them to present problems. In "the battle of giants," as the debates in question are generally called, two immortal tribunitian orators spoke really the last words in the bitter and prolonged contestation over slavery that culminated in the Civil War. No effort should now be made to revive the echoes of those last words, without some reference to the history of the conflict out of which they grew. Negro slavery, which originated in Africa, spreading to Spain before the discovery of America, and to America soon after, made its appearance on this continent the year before the "Mayflower" brought the Pilgrims to Plymouth Rock, when a Dutch ship landed twenty African slaves at Jamestown. In 1626, the Dutch West India Company began importing slaves into Manhattan, and by 1637 there were slaves in New England. A Royal African Company with the Duke of York, afterwards James II, as its President, was formed to monopolize the slave trade, which monarchs and ministries furthered to the utmost of their power.

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Despite the fact that the Crown forced the institution upon Virginia, that great Commonwealth had, prior to 1700, a smaller proportion of slave population than some of the Northern colonies. While before the Revolution all the colonies held negro slaves, at the close of the eighteenth century there was a strong anti-slavery feeling even in Virginia and North Carolina. Only in South Carolina and Georgia was slavery then looked upon with favor, owing, no doubt, to the fact that those States were mostly given to the cultivation of rice and indigo, which seemed to make slave labor indispensable. A sudden transformation took place, however, in 1783, when Whitney, a Connecticut schoolmaster living in Georgia, invented the cotton-gin, whereby a slave, who by the old process could clean but five or six pounds of cotton a day, was enabled to clean 1,000 pounds a day. The cotton export of 189,316 pounds in 1791 had grown to 38,118,-041 in 1804. Under such a stimulus, slavery at once ceased to be a passive and innocuous institution. Out of that condition of things grew up a contest between the Free and the Slave States for control of the Government, the South wishing to extend the area of slavery by the admission of new Slave States, the North seeking to confine the institution to the localities in which it already existed, while the abolitionist of the North wished to extinguish it altogether.

The first battle in the seventy years' war over slavery was fought in the Federal Convention of 1787, and the outcome was registered in three of the important compromises of the Constitution. While the Federal Convention was sitting at Philadelphia, the Continental Congress at New York was doing its last and one of its greatest pieces of work in framing the ordinance of 1787 for the organization and government of the public domain known as the Northwest Territory. Through the influence of Jefferson, slavery was prohibited by law in that Territory, while it was permitted in all Territories south of it. All but three of the United States which made the Confederation forbade the importation of slaves; and these three were North Carolina, South Carolina and Georgia. They insisted, while the Constitution was in the making, that the right to import slaves should continue until 1808. The North assented not only to that compromise, but also to the other two embodied in the three-fifths rule for slave representation in Congress and in

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the fugitive slave clause. From that time, the opposing forces rested upon their arms under a rule which admitted a Slave State and a Free State by turns, so as to preserve the balance of power in Congress. Thus Vermont was counterbalanced by Kentucky, Tennessee by Ohio, Louisiana by Indiana, Mississippi by Illinois. In the same way, the admission of Alabama, in 1819, should have counterbalanced the admission of Maine in the following year; but, as Missouri was then applying for admission, the Southern members refused to admit Maine until it should be agreed to admit Missouri as a Slave State. After the admission of Louisiana in 1812, that portion of the Purchase north of the thirty-third degree took the name of the Missouri Territory, and within it slavery was unhindered in its growth. When, in 1818, the application of Missouri for admission as a Slave State presented for debate the status of slavery beyond the Mississippi, Jefferson, still alive, wrote: "The Missouri question is the most portentous which has ever threatened the Union. In the gloomiest hour of the Revolutionary War, I never had apprehensions equal to those which I feel from this source." The difficulty was finally adjusted by the famous Missouri Compromise of 1820, in which each section yielded a part of its demands. While Maine and Missouri were admitted into the Union, the latter as a Slave State, both Houses of Congress agreed that slavery should be prohibited forever in all other Territories north of 36° 30′, Missouri's southern boundary. Thus the vast bulk of the Louisiana Purchase was dedicated to freedom. And yet, while limits were thus set to the extension of the area of slavery, the view was general that each State was absolutely sovereign over it within its own borders; that responsibility for it and its abuses ended in each State with its own citizens. Such was the real and practical undertone of the doctrine of State Sovereignty in the extreme form in which it was taught by Calhoun, an extreme which culminated at last in the absurdity of Nullification. Meanwhile, quite a contrary view became common in the North, largely through the influence of William Lloyd Garrison, who established in 1831 a weekly paper called "The Liberator," which was devoted to the entire and immediate abolition of African slavery in America. In demanding "immediate and unconditional emancipation," Garrison claimed that the question at issue was a national one; that the whole country, and not the South

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only, was guilty in tolerating what he called a curse. Thus was the real issue finally made up.

The "irrepressible conflict," hushed for the moment by the Missouri Compromise, was revived when the proposal was made to annex Texas, capable of division into five Slave States, a question hotly discussed in the Presidential campaign of 1844. Van Buren, who had opposed annexation, was rejected by the Democratic party, and James K. Polk, who favored it, was nominated and elected; and in December, 1845, Texas was annexed by resolution of Congress, with the understanding that it might thereafter be divided into several Slave States. Florida had already been admitted as a Slave State in March of the same year. With the election of Polk, the North and South were finally arrayed in opposition to each other,—the slavery question became the "burning question" from that time down to the appeal to arms. The sequel of the annexation of Texas was the Mexican War, resulting in a vast acquisition of territory which came as an additional victory for slavery, because, as nearly all of it lay south of 36° 30′, it could become, under the terms of the Missouri Compromise, slave soil. A drawback existed, however, in the fact that in the new territory thus acquired slavery had been forbidden by Mexican law. That fact predisposed many who were not in general opposed to slavery against extending the institution thither. As an expression of that feeling David Wilmot, a Pennsylvania Democrat, introduced in the House in 1846 his famous Proviso, applying to any newly acquired territory the provision of the ordinance of 1787, "that neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be first duly convinced." While the Wilmot Proviso failed to pass, it called into existence the Free Soil party, formed by the union of anti-slavery Democrats and Whigs with the Abolitionists. When the Whig National Convention met at Philadelphia, June 7, 1848, it nominated Taylor and Fillmore without a platform, after resolutions affirming the Wilmot Proviso as a party principle had been repeatedly voted down. The Democratic National Convention, which had met at Baltimore, in May, after reviving the strict constructionist platform of 1840 and 1844, nominated Cass and Butler. The National Convention of Free-Soilers, which met at Buffalo in August, adopted a platform de-

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claring in substance that Congress had no more power to make a slave than to make a king, and that there should be no more Slave States and no more slave Territories. Through the power of the Free-Soilers to draw the Democratic vote from New York, the Presidency passed to Taylor, who, despite the fact that he was a Louisiana slave-holder, was unflinching in his devotion to the Union. In 1846, Iowa was admitted, and in 1848 Wisconsin. Eager as Taylor was to bring California in before the question of slavery in that territory could be discussed in Congress, he urged the people to call a convention and organize a State. That they did in 1849; and, as the bulk of them were from the North, they framed a constitution prohibiting slavery, and applied for admission. In the crisis thus brought about, all eyes turned to the great Compromiser who had taken the country safely through the Missouri crisis of thirty years before. Clay now proposed that California should be admitted as a Free State; that any new States properly formed from Texas should also be admitted; that the Territories of Utah and New Mexico should be organized without the Wilmot Proviso (*i. e.,* that the people of each Territory should be left free to settle the question of slavery for themselves, according to the doctrine of squatter sovereignty); that a more rigid Fugitive-Slave Law should be enacted; and that the slave trade should be abolished in the District of Columbia. In the midst of it all Taylor died, on July 9th, 1850; Fillmore succeeded; and Webster became his Secretary of State. The compromise of 1850 became an accomplished fact, but Webster's support of it, which involved a desertion of the free-soil principles then dominant in New England, led to his overthrow. Massachusetts deserted him, and, when she elected a Senator for the full term, it was Charles Sumner, the representative of the united Democrats and Free-Soilers, who came to the Senate pledged to fight slavery to the death. The outcries that arose from the cruelties incident to the execution of the new and more stringent Fugitive-Slave Law were deepened, as the administration of Fillmore drew to a close, by the appearance of "Uncle Tom's Cabin," whose stirring pathos touched the heart of the world.

Such was the state of the public mind when, in June, 1852, the Democratic Convention that met at Baltimore pledged that party to the observance of the Compromise of 1850; when the

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Whig Convention that met in the same place in June endorsed the Compromise and the Fugitive-Slave Law; when the Free-Soil Democratic Convention that met at Pittsburg in August declared slavery to be a sin against God and a crime against man, and denounced the Compromise of 1850 and the two parties that supported it. After the triumph of Pierce and the ruin of the Whigs, the South was at a loss what to do for new slave territory now that the North had a preponderance in the Senate through the admission of California and the rapid growth of the North-western States, in which New England ideas had become predominant.

Passing over the attempt to buy Cuba, which failed at Ostend in 1854, we must look next at the scheme to acquire more territory into which to extend slavery in the region lying west of Missouri and Iowa, to the north of 36° 30′, and which, under the Missouri Compromise, was ever to be free soil. The project that contemplated the repeal of that famous compact proved successful, so far as legislation could go, when a bill, introduced in the Senate in December, 1853, to organize the Territory of Nebraska received the support of a sufficient number of Free-State Democrats to make it a success. A week later, a new bill was brought in, known as the Kansas-Nebraska Bill, which divided the region covered by the first into two Territories, one directly west of Missouri, to be called Kansas, and the other, north of this, to be called Nebraska. Thus, two States were to be opened to slavery instead of one, for the new bill distinctly declared that the Missouri Compromise had been swept away by the later Compromise of 1850. The passage of the bill in question was coupled with the contention that, as the population of the Territories had the natural right to decide for themselves the character of their own local institutions, Congress had no authority to vote slavery in or out for them. That idea, known as Squatter Sovereignty, was the invention of Stephen A. Douglas, a Northern Democrat, who proposed thus to lay bare the finest region of country open for settlement as a battle-ground between the slave-labor and the free-labor systems. When the Kansas-Nebraska question passed from Congress to Illinois in the fall of 1854, Douglas was called upon to defend his claim that the slavery question was forever settled by his invention of "popular sovereignty," which, he said, took it out of Congress

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and gave it to the people of the Territories to decide as they pleased.

The time had now arrived when the anti-Nebraska party in Illinois were forced to look around for some champion who could meet "the little giant" in debate. His prowess in that line was admitted by all. In the entire field of American politics, no man equalled Douglas in the strategy and expedients of a palestric encounter of the oratorical kind. If he was lacking in originality and constructive logic, he more than made up for it by his facility in appropriating, by ingenious restatement, the thoughts and formulas of others. It has been said that "he was tireless, ubiquitous, unseizable. It would have been as easy to hold a globule of mercury under the finger's tip as to fasten him to a point he desired to evade." The David now chosen to meet him was Abraham Lincoln, who was born on the 12th day of February, 1809, in the midst of the most unpromising circumstances that ever witnessed the advent of a hero into this world. The years that followed his single term of service in Congress (1847 to 1849) had been for him years of work, study and reflection. While losing nothing of his genial humor, his character was taking on the dignity of a graver manhood. This man, whose sturdy and delicate integrity had won for him already the soubriquet of "Honest Old Abe," had begun to live more and more in the solitude of his office or his study. The inner light of his great mission had begun to burn within him. His principal weapon was direct and unswerving logic; his fairness of statement and generosity of admission had long been proverbial. Disdaining mere quibbles, he pursued lines of concise reasoning to maxims of constitutional law and political morals. His quaint originality, his aptness of phrase, his clearness of definition, his philosophic vision and poetical fervor often culminated in flights of genuine eloquence. When Douglas and Lincoln met, the subtle keenness of the sword of Saladin, that could carve muslin as it floated in the air, was to be contrasted with the temper of the sword of Richard of the Lion Heart that could sever a bar of iron at a blow. In opening a great speech at the State Fair at Springfield on October 3rd, Douglas said: "I will mention that it is understood by some gentlemen that Mr. Lincoln of this city is expected to answer me." Twelve days later, they met again at Peoria, an occasion

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made memorable by the fact that, when Lincoln returned home, he wrote out and published his speech. In that model of brevity, directness, exact and lucid historical statement, we find not only the argument of the hour, but the premonition of the broader issues into which the new struggle was soon to expand. The time had come when Douglas was to be told that slavery was not a local but a national question, that any peculiar institution in any locality that affects the welfare of all is the common concern of all. Lincoln's expressions on that subject were the first articulate outcry of the new national spirit, just after the nation awoke to a full sense of its oneness. He said:

"The doctrine of self-government is right,—absolutely and eternally right,—but it has no just application as here attempted. Or perhaps I should rather say that whether it has such just application depends upon whether a negro is not, or is, a man. If he is not a man, in that case he who is a man may, as a matter of self-government, do just what he pleases with him. When the white man governs himself, that is self-government; but when he governs himself and also governs another man, that is more than self-government—this is despotism. . . . Let us readopt the Declaration of Independence, and the practices and policy which harmonize with it. Let North and South—let all Americans—let all lovers of liberty everywhere—join in the great and good work. If we do this, we shall not only have saved the Union, but we shall have so saved it as to make and keep it forever worthy of the saving. We shall have so saved it that the succeeding millions of free, happy people, the world over, shall rise up and call us blessed to the latest generations."

Such was the prelude to the more famous Lincoln-Douglas debates of 1858.

Deep and wide-spread as had been the slavery agitation incident to the repeal of the Missouri Compromise and the consequent civil war in Kansas, an event, entirely unexpected so far as the public at large was concerned, suddenly occurred which doubled its intensity. Two days after Buchanan's inauguration, the Supreme Court of the United States announced its famous decision in the Dred Scott case which originated in the idea that, under our Federal system, a temporary residence in a Free State or Territory could work the emancipation of a slave, under the doctrine laid down by Lord Mansfield in Somersett's case. By the time it reached the court of last resort, it had become so interlaced with pending political problems that, in the words of Mr. Justice Wayne, "the case involves private

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rights of value, and constitutional principles of the highest importance, about which there had been such a difference of opinion that the peace and harmony of the country required the settlement of them by judicial decision." In a word, the Supreme Court, composed of nine judges, seven of whom were Democrats and five from Slave States, felt called upon to transfer the question of the legality of slavery in the Territories from the political to the judicial arena. The outcome was embodied in the conclusions that the Missouri Compromise Act was unconstitutional, slaves being private property with which Congress had no right to interfere; that it was the duty of Congress not to prohibit, but to protect, slavery in the Territories; that no slave, or descendant of slaves, could be a citizen of the United States; that, as slaves were not persons, but property, the owner of them could take them into any part of the Union just as he could take any other kind of property. Thus did Douglas's doctrine of Squatter Sovereignty receive its death blow from the judicial arbiter to whom he was pledged to bow. To dissent was to give mortal offence to the South; to concur was to give mortal offence to the North. Thus handicapped, Douglas met his indomitable opponent in the famous debates that occurred in Illinois between July and November, 1858.

In pressing upon Douglas his charge of a political conspiracy to nationalize slavery,—alleging that his "don't-cure" policy was but the convenient stalking-horse under cover of which a new Dred Scott decision would make slavery lawful everywhere,—Lincoln said:

"He says he 'don't care whether it is voted up or down' in the Territories. I do not care myself, in dealing with that expression, whether it is intended to be expressive of his individual sentiments on the subject, or only of the national policy he desires to have established. It is alike valuable for my purpose. Any man can say that who does not see anything wrong in slavery, but no man can logically say it who does see a wrong in it; because no man can logically say he don't care whether a wrong is voted up or voted down. . . . That is the real issue. That is the real issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity and the other is the divine right of kings."

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In assailing his popular-sovereignty principle, Lincoln declared it:

"The most arrant Quixotism that was ever enacted before a community. Does he mean to say that he has been devoting his life to securing to the people of the Territories the right to exclude slavery from the Territories? If he means to say so, he means to deceive; because he and every one knows that the decision of the Supreme Court, which he approved and makes especial ground of attack upon me for disapproving, forbids the people of a Territory to exclude slavery. This covers the whole ground from the settlement of the Territory till it reaches the degree of maturity entitling it to form a State constitution."

In the meeting at Freeport, Lincoln put Douglas to the crucial test by calling upon him to answer four carefully prepared questions, the second of which was this: "Can the people of a United States Territory, in any lawful way against the wish of any citizen of the United States, exclude slavery from its limits, prior to the formation of a State constitution?" When Lincoln's friends, while urging him not to put that question, said, "If you do, you can never be Senator," he answered, "Gentlemen, I am killing larger game; if Douglas answers, he can never be President, and the battle of 1860 is worth a hundred of this." When Douglas did answer, he said:

"I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a Territory can, by lawful means, exclude slavery from their limits, prior to the formation of a State constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska bill on that principle all over the State in 1854, in 1855 and in 1856, and he has no excuse for pretending to be in doubt as to my position on that question. It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution; the people have the lawful means to introduce it or exclude it, as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations. Those police regulations can only be established by the local Legislature, and if the people are opposed to slavery they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a Slave Territory or a Free Territory is perfect and complete under the Nebraska bill."

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In reply, Lincoln said:

"The first thing I ask attention to is the fact that Judge Douglas constantly said, before the decision, that whether they could or not was a question for the Supreme Court. But, after the Court has made the decision, he virtually says it is not a question for the Supreme Court, but for the people. . . . I pass to consider the real constitutional obligation. Let me take the gentleman who looks me in the face before me, and let me suppose that he is a member of the Territorial Legislature. The first thing he will do will be to swear that he will support the Constitution of the United States. His neighbor by his side in the Territory has slaves and needs Territorial legislation to enable him to enjoy that constitutional right. Can he withhold the legislation which his neighbor needs for the enjoyment of a right which is fixed in his favor in the Constitution of the United States, which he has sworn to support?"

Lincoln made no mistake as to the effect of Douglas's answer upon his political fortunes,—with the whole South, and with a few prominent politicians of the North, it served to put him outside the pale of party fellowship. As compared with this, his Lecompton revolt had been a venial offence. Soon after the Charleston Convention, Judah P. Benjamin said:

"Sir, it has been with reluctance and sorrow that I have been obliged to pluck down my idol from his place on high, and to refuse to him any more support or confidence as a member of the party. . . . We accuse him for this, to wit: that having bargained with us upon a point upon which we were at issue, that it should be considered a judicial point; that he would abide the decision; that he would act under the decision, and consider it a doctrine of the party; that, having said that to us here in the Senate, he went home, and under the stress of a local election his knees gave way, his whole person trembled. His adversary stood upon principle and was beaten; and lo! he is the candidate of a mighty party for the Presidency of the United States."

On that subject Lincoln with quaint humor once said:

"All the anxious politicians of his party, or who have been of his party for years past, have been looking upon him as certainly at no distant day to be the President of the United States. They have seen, in his round, jolly, fruitful face, post-offices, land offices, marshalships and cabinet appointments, chargéships and foreign missions, bursting and sprouting out in wonderful exuberance ready to be laid hold of by their greedy hands. On the contrary, nobody has ever expected me to be President. In my poor, lean, lank face, nobody has ever seen that any cabbages were sprouting out. These are the disadvantages, all taken together, that the Republicans labor under. We have to fight this battle upon principle, and principle alone."

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The opposing principles involved in the famous debate of 1858 were so sharply defined that they may be restated within a narrow compass. Against the contention of Douglas that under the doctrine of "popular sovereignty" even a question so grave as human slavery might be localized stood Lincoln's contention that all local questions that affect all are the common concern of all. No serene and impartial student of the Constitution will ever for a moment doubt that the conclusions reached by the Supreme Court in the Dred Scott case were in perfect accord with the compromises of the Constitution as the Fathers had made them. On the other hand, no such student of the history of humanity will ever for a moment doubt that such conclusions were in sharp conflict with what Seward called "the higher law"—that is, the law on the subject of slavery as it had been settled by the consensus of the civilized nations. At the end of the Civil War, "the higher law" triumphed once and forever when the results of the Dred Scott case were wiped out by the adoption of the Thirteenth and Fourteenth Amendments. When we consider the application of the basic principle involved in the famous debate of 1858 to present problems, we should never for a moment forget that Lincoln's contention, that all local questions that affect all are the common concern of all, has become the corner-stone of our new national life. The first application made of that principle by the reunited nation was in the destruction of a peculiar social institution within the Territory of Utah which conflicted with the general principles of our civilization. Until a man can take that principle into his heart in its fulness, he can never be a patriot as Lincoln was a patriot. When destiny called upon him to secure the supreme interests of all by preserving the life of the Union, like a Titan he struggled and triumphed, and like a protomartyr died. In the crisis of the conflict, when the capital of the nation was in danger, he appeared upon the parapet of Fort Stevens, on July 12th, 1864, as one of its defenders. In his account of the incident, General Wright, then commanding in the suburbs of Washington, has said: "I entreated the President not to expose his life to the bullets of the enemy; but he seemed oblivious to his surroundings." As the battle progressed, it became painfully evident that a very handsome residence near by, occupied by Confederate sharpshooters, had to be

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destroyed. As it was of considerable value, Mr. Lincoln was consulted, and as commander-in-chief he gave the order for its destruction by shot and shell. There and then, for the first and last time in the history of the Republic, a President of the United States actually exercised authority as commander-in-chief. The document in Lincoln's own handwriting attesting that fact, after being buried for more than forty years in the archives of Congress, was first made public at Fort Stevens on May 30th, 1908, when the writer,—through the kindness of Senator Henry W. Blair, who alone knew of its existence,—was able to read it as a part of his Memorial Day address. Perhaps in the time to come some artist will portray this, the most imposing scene in the life of Lincoln, when, as commander-in-chief of the armies of the United States, he stood in the thick of the fight upon the ramparts of Fort Stevens on that 12th of July, sustaining and directing the defenders of the nation's capital and the nation's life. As time goes on, he will be viewed through the lengthening distance by a grateful posterity in the North and in the South, in the East and in the West, as he stood battling for the life of the Union in the twilight of that fateful day, transfigured on the horizon and touched by the light of its dying glory.

HANNIS TAYLOR.

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BANNER MEMORIES.

A POEM FOR ABRAHAM LINCOLN'S BIRTHDAY.

BY NATHAN HASKELL DOLE.

THE lone ship plunges on her trackless way,
Her guide the faithful needle pointing North.
The sleepless watchman, silent, gazes forth
To sight the changes of the night and day.
The immeasurable waste of blue or gray,
Its fluent hills and hollows splashed with foam,
With rainbow-tinted flowers of flashing spray,
Lies cold and solemn 'neath heaven's circling dome.
For hour on hour no bird's wing flecks the sky;
The same monotonous sweep of barren brine
Wearies the homesick voyager's mournful eye
Which yearns to catch some heart-consoling sign.

"A sail! a sail!" rings out the thrilling cry.
Sudden athwart the keen horizon-line
Struggles a dim, indefinite cloud to view,
Half-blending, half-contrasting, with the blue,
But momently enlarging, till, at last,
Full-rigged with canvas straining at each mast—
A vision of beauty in wind-cleansed dazzling white—
A deep-hulled ship dawns full in sight,
Rising and dipping on those mountainous seas.
Then, if perchance that ship bears at the height
Of swaying mast-top, wide-spread on the breeze,
The traveller's home flag, faded though it fly,
He feels that he must fall upon his knees
In adoration of its majesty.

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It stirs his pulses, fills his eyes with tears,
  Makes him forget his grief and loneliness;
It wakes the sailors' voices into cheers,
  Has magic power to kindle and to bless!

What is the magic of the flag?
  What influence holds
  Within its graceful folds,
That, though it be a smoke-grimed rag,
  Faded and frayed and tattered,
Strife-eager men will die
  To hold it high
Before the cannon belching shotted fire;
  And, if it drop
From out the color-sergeant's hands,
  The hero marching next will stop
Only to seize with death desire
  Its blood-stained staff all shattered,
And lift it onward for the following bands
  To get fresh courage by?
How can its alternating stripes
  Of white and red,
Its star-sown field of azure,
Unite in one enthusiasm none may measure
A hundred varying human types—
  Those who have fled
From Persecution's cruel trial,
  Or who in Freedom's cause their blood have shed,
Russian and Hebrew, Finn and Persian;
  And those who save, by rigid self-denial,
The meagre sum to justify desertion
Of Fatherland's intolerance unpaternal;
  And those who have escaped Conscription's curse,
    Or, what is worse,
  Some bitter internecine War's
    Wild aftermath infernal;
  And those whose ancestors
Came hither for Religion's sake
    With lofty zeal to make

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A Paradise of God
Within a primitive wilderness untrod?
What is the magic power
Which makes its beauty lovelier than a flower?

It is the symbol of a majesty,
A vast idea, a concept that appeals
To ignorant and to learned equally,
To every heart that feels.
It is the gonfalon of Liberty;
Its bright escutcheon stands
To differentiate from other lands
Our home-land—land where we were born,
Or new-born, into Freedom's light.
Its mission is to welcome or to warn—
To stream across the sky,
Portentous as a comet,
That fierce aggression's might
May read the threat of vengeance from it;
Or, softly beaming with effulgence bright,
To feed the imagination of the young
With hope and fervor for the Right
And love for every nation, every tongue.
Its thirteen alternating bars
Rehearse the legend of a Nation's birth:
The glorious Red
Is symbol of the patriotic life-blood shed,
Whose flower of fame we have inherited;
The White is Peace, Good-will to Earth;
The growing constellation
Of dominating Stars
Is hieroglyphic
And typifies the increase of the Nation
From Lakes to Gulf, Atlantic to Pacific.

I stood within the marble-vaulted hall,
Where, in tricolored groups assembled,
The battle banners, bullet-torn,
With years of service worn,
Mantled with never-dying glory,

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Depicted national history on the wall.
Those silent testimonials breathed the story
Of bloody conflict, while the Country trembled.
The memorable names were scrolled
Upon each drooping fold—
Antietam, Chickamauga, Gettysburg—
Duels by sea and on the streams
Whose waters into blood were turned,
Battles above the clouds, where the Symurgh
Of Oriental dreams
Spread out his threescore wings,
And, in deep mourning, yearned
Above the elemental strife
Whose gage was a vast Nation's life!

Methought I was a boy again,
And, standing by the old brick homestead's gate,
Watched, filing by, the troops of friendly men
That left the tree-embowered country village,
The calm and peaceful rustic life,
The evening's dewy stillness
And the sweet fields of homely tillage,
To march away and meet their waiting Fate
Of death and ghastly wounds and life-long illness.
I heard the drum-tap and the shrilling fife
And the gaunt captain's stern commands
Resounding quick and loud.
I saw the new flag, sewed by women's hands,
Waving as yet unsmoke stained, bright and proud!
Oh! how I mourned because I was a boy
And could not share that patriotic joy
Of marching Southward with those death-devoted bands!

Such was the scene in every town and city
Throughout the universal North:
Husbands and fathers, lovers, sons and brothers,
With fond devotion hastening forth,
While in the desolate homes despairing mothers
Stripped lint, made bandages with holy pity
Alike for wounded friend and brave misguided foe,

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And wept at each report of War's wide-wasting woe!
For this, as well as our far-spread dominion,
The glorious flag is symbol as it floats
Above each schoolhouse, like the pinion
Of some great watchful bird
Whose sweet mellifluous notes
Within the patriotic heart are heard.

To-day, thank God! that radiant flag again—
By North and South united
With faith and lealty voluntary-plighted
Throughout our marvellously dowered domain—
Is like a precious jewel treasured
With love and gratitude unmeasured,
By countless millions of free, happy men!

Millions have died to shield it and would die!
Our martyr Lincoln's blood was shed
Upon the altar that it still might fly
Unmutilated in our Freedom-breathing sky.
He was the color-bearer for the dead
That marched in concentrating columns into fame,
The heroic souls that kept the sacred flame
Of heaven-descended Liberty
With Patriotism's chrysmal oil bright-fed!

Fling forth the banner, then,
On Lincoln's natal day!
Recall this simple-hearted Prince of men:
Tall, gaunt, ungainly,
Who spoke the frontier speech so eloquently, plainly,
Whose sane wit kept the balance true
'Twixt rainbow-hued fallacious hope
And dark unreasoning despair;
Whose vivid intuition knew
The upward-leading, goal-assuring clew
Through darkness where more learned statesmen grope
And fall because they have no faith to do and dare!

He was the God-commissioned leader sent
To guide his people through the Wilderness.

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When in the seeming fatal ambush pent,
His courage bade him, victory-haloed, onward press.
His heart was firm, his arms were stayed;
Discouragement in vain assailed;
Defeat still left him undismayed;
And thus the long hard passage to the Promised Land,
In spite of cruel and malicious prophecies
And traitors' evil offices,
Was made as his great heart and mind had planned.

Yet, like the earlier Moses, he was not allowed,
With those he rescued from the foe, to stand
(With swift temptation to be proud)
Upon the sacred soil.
His was the burden and the toil;
And when the grapes of Eshcol purple-clustering,
The smiling pastures of the violet hills,
The fertile plains, the shade-dispersing trees,
The cooling waters of the sweet fresh rills,
The fragrance of the blossom-sweeping breeze,
The sleepy murmur of the honey-storing bees,
After the desert sand-storms blustering,
Offered their riches and he might find rest,
The assassin's weapon smote his friendly breast!

Fling forth the banner, then—
The star-emblazoned field of blue,
The waving stripes which once Columbia threw
Over the tear-drenched death pyre of her martyred Citizen.
Fling forth the banner trimmed with laurel and with rue!
O, let the clangorous bell-tones ring
And all the reverence of the Nation bring
In honor of the man more royal than the mightiest king.
O, greet the symbol of our Mother-land,
Columbia, freedom-dowered,
In whose great heart the antique virtues all have flowered,
So opulent, so generous, so grand.

NATHAN HASKELL DOLE.

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THE POSITION OF WOMAN.—II.

AN HISTORICAL RETROSPECT.

BY THE DUCHESS OF MARLBOROUGH.

ROME classified her slaves, strangers and citizens on the Greek model, and, until Caracalla made Roman citizenship indiscriminate, the purity of Roman womanhood was as highly cherished and respected as that of the citizen women of Athens. Their position was also very similar in the early part of Roman history. Woman, still regarded as a minor by her male relatives, spent her life in her father's control and then in her husband's. That sternness, often cruelty, were her daily meed is proven by the examples of parental or marital correction applauded in those days. Egnatius, who surprised his wife sipping wine, a prohibited indulgence, beat her to death—an action which in his time gained him praise, and I have no doubt new offers in marriage, as cruelty wields so potent an attraction in the eyes of the weaker sex. Without approving of the chastisement inflicted in this case, we might say that the principle practised by Egnatius might be reinstated with good effect in these days when drunkenness, amongst women, is alleged to be working untold evil in home and on children. It would be a measure for women passed by women, and, remembering the wonderful strides made in temperance reform by a woman mayor in one of our Western States, its passage in a woman's Parliament does not seem improbable.

Then, again, Sulpicius Gallus dismissed or divorced his wife because she appeared in public without a veil; Antistius Vetus got rid of his because he saw her speaking secretly to a freed woman in public, and P. Sempronius Sophus sent his away because she went to the public games without informing him. One cannot help wondering if such stern rectitude on the husband's

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side was born of a desire to appear the strict disciplinarian and upright supporter of the law, or whether there was not some petty ire or strong dislike actuating him. Obedience, however, appears to have been the *sine qua non* of a wife's existence.

As law and popular opinion encouraged injustice and coercion in one sex, the other was driven to measures of stealth and violence to safeguard their interests and ensure themselves security of life. The Roman matron was not cast in the meek and placid mould of her Athenian sister. The lightning of her anger and the thunder of her revolt worked secretly and surely like a storm obscured by a cloud. In the year 331 B.C. many prominent Roman citizens were attacked by an unknown disease, and nearly all died. It was impossible to discover the cause until a maid-servant went to a curule ædile and explained the nature of the plague. She was brought before the consuls, who determined to prove the veracity of the servant's statement, and were by her conducted to a house where twenty matrons were found in the act of compounding poisons. When faced by their accusers, they at once denied the truth of the allegation, and after a moment's secret conversation, the twenty matrons boldly drank their concoction and promptly died. One hundred and seventy were found to have taken part in the conspiracy. Another similar occurrence took place in the year 180 B.C., and death by poison became the favorite revenge on a ferocious or undesirable husband. In Athens, the state had collapsed because the meekness of the wives had permitted an uneven disposal of parental authority and an improper relationship of vice and control, the foreign women having in time usurped all authority and caused a state of instability of impossible duration. In Rome, on the contrary, woman took the remedy into her own hands; and, although she gained freedom and many privileges, because men realized that they responded to whatever treatment they received, yet in the end these violent measures helped to precipitate a state of chaos, licentiousness and cruelty unequalled in the history of the world. Like unto the Greeks, the Romans were prone to religious fervor; and new religions, with attendant novelties of rites, always awakened the greatest excitement and enthusiasm. It was natural that this should be especially so amongst women, because the period of Bacchanalian festivals and the feasts to the various gods and goddesses were their

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only times of liberty and enjoyment. The more they could be added to the better, and the arrival of a new worship did not proscribe the continuance of an old. The Bacchanalia introduced in Etruria in 186 B.C. created orgies of the wildest, most exuberant description. Men and women, for once allowed to mingle freely under cover of the night and in the name of religion, danced and sang in hilarious gaiety, and one can well imagine that woman's enforced passivity must have availed itself with frantic glee of this period of liberty. Whether the immorality adduced against these festivals really existed we cannot tell; that the Consul saw fit to order their discontinuance and to punish the worshippers with imprisonment for the males and restitution to their families for the women is all we know. There were over seven thousand engaged in these relaxations. Again the worship of Tis and of the Idæan Mother greatly enthused the Roman matrons, and they had ceremonies to their own female deities where no male was allowed and at which they were supreme in authority. It is easy to see that woman made religion an instrument for obtaining the liberty she so strongly desired.

As time went on, the Roman matron won a position of dignity and importance. Her good-will and restrained moderation urged the men to confer certain privileges on their wives and to allow them absolute liberty and the place of honor in the house. Roman ladies, therefore, were allowed to go out unveiled, to attend the games, to dine with their lords and to hold counsel and meetings amongst themselves. On many occasions it is recorded that, by their agitation and incessant demands, they even obtained the reversal of a law especially aimed at their privileges. We can find a parallel to the elicitation Miss Pankhurst managed to secure from the Prime Minister on the probable date of the introduction of a clause providing for woman's enfranchisement in the next general redistribution of votes bill in Hortensia, the daughter of the famous orator Hortensius. Fourteen hundred of the richest women in Rome had been ordered to make a statement of their wealth by the Triumvirs, who claimed that they had the power to employ any portion of it they liked to pay off the expenses of a war which could not otherwise be met. The matrons resented such high-handed treatment, and, as they could find no man bold enough to plead their cause, determined to do so themselves.

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First of all, they approached the sister of Tetarianus and the mother and the wife of Antony. The first two gave them a kindly reception, but Fulyia, Antony's wife, drove them from the door—very much the same treatment accorded to Miss Pankhurst, who promptly retaliated by what in suffragette language is called a "demonstration," with the consequent penalty of fine or imprisonment. The Roman matrons similarly insulted turned to the tribunal of the Triumvirs. Hortensia spoke in their name, and delivered an eloquent and powerful speech which is highly praised by the great Latin critic Quintilian, and she succeeded in getting the demands of the Triumvirs reduced to a comparatively small sum. Another instance of their success occurred when it was proposed to abrogate the law imposed in 215 B.C. by Oppius to the effect that no woman should be allowed to possess more than a half-ounce of gold, to wear a parti-colored garment, to ride in a chariot within the city of Rome or a town occupied by Roman citizens, or within a mile of their palaces except for religious purposes. No one knows why Oppius had proposed this law, as women had had the permission to ride in chariots granted them in 392 B.C., at the time of the Gallic Invasion, as a recognition of the service they rendered the State on that occasion in offering all their gold and ornaments to pay the ransom demanded by the Gauls. When the abrogation of the law was proposed by L. Valerius, the Tribune, the women did all in their power to counteract the opposition brought to bear upon them by Cato and those unfriendly to the gentler sex. It was made the occasion for the general canvassing of citizens; women neglected their households and went forth into the streets and public places to assail every man they met and ask for his vote; they held secret deliberations and public meetings; they called in aid from neighboring towns and villages, and women for the nonce seemed to flood Rome. It must have been a scene very similar, in the excitement and intense agitation it produced, to a modern election. Cato, the ugly, obstinate, red-haired Cato, led the opposition, Valerius was the woman's champion. Livy describes their respective speeches, and we regret to note that Cato's is the more forcible. We certainly think women cannot have been satisfied with the frivolous and empty plea Valerius put forth on their behalf, but their tactics had, at any rate, been successful. On the day the law was to be discussed, they rose at dawn

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and surrounded the houses of the two tribunes they knew to be opposed to them. Whatever their entreaties, they were successful, and the obstinate pair gave way, so that the abrogation of the law was passed and women regained their privileges.

The chief cause which influenced the change in woman's position from one of slavery to one of dignity was the gradual change in the marriage custom. At the beginning, when Rome was nothing more than an agricultural community, the woman figured as an industrial asset in the family and her husband bought her from her father. But, as Rome grew into a great and rich city, the foremost in the world, families became rich, and women no longer represented means of production; fathers left them fortunes independent of their husband's control, and a class of powerful wealthy women sprang into being. Marriage became a contract between two people, and it could not be dissolved except by law. Husband or wife had an equal right of dissolving a marriage, but permission of a family council was necessary, as well as compliance with legal forms. Such a change in the relative position of woman made her a much more important factor in the family, and put her on a basis of equality with man. The fact that marriage was not regarded as a religious ceremony removed from divorce any idea of disgrace; and, if her first marriage turned out a failure, she had a fair chance of being happily married a second time when her choice would be wiser and more likely to be influenced by her own tastes. It also had the effect of making husbands more considerate and affectionate to their wives, and the period from 150 B.C. to 150 A.D. abounds with instances of happy marriages, unions in the true sense of the word. Cornelia, the mother of the Gracchi, Julia, the daughter of Julius Cæsar, Cornelia, Pompey's second wife, Octavia, the wife of Antony, the first Agrippina, Calpurnia, Cæsar's wife, are all examples of noble, virtuous and intelligent women, whose records show that they not only managed their own affairs wisely, but that they were helpmates and intellectual companions to their husbands; and, when opportunity arose, they proved themselves well versed in affairs of public import as well. Wives went with their husbands to the provinces and often took part in their administration, and when the Senate tried to put a stop to this the measure was vetoed, proving that their services were beneficial.

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Numerous instances of their power can be adduced, but let us be content with one: "Cicero, in a letter to Athens, relates an interview which he had at Antinna, 44 B.C., with Brutus and Cassius. Favorinus was also present, and besides him there were three women, Servilia, the mother of Brutus, Tertulla, the wife of Cassius and sister of Brutus, and Porcia, the wife of Brutus and daughter of Cato. Servilia strikes in twice in the course of the discussion, and it is evident that her words carried weight. On one of the occasions, she promises to get a clause expunged from a decree of the Senate." There were many such deliberations where women were present; a mixed Cabinet would not have struck the Romans as a cause for as much ridicule as it seems to afford those opposed to Woman's Suffrage to-day. That women wielded great political power under the Empire, and even enjoyed positions of eminence and importance, is well established. Their wealth enabled them to foster charitable undertakings, to beautify their own towns and even to endow many prominent citizens liberally. In Asia Minor especially, women displayed great activity; they presided at the public games and religious ceremonies, erected baths and gymnasia, adorned temples, put up statues and contributed in every way to the enjoyment of their fellow citizens. No wonder that they were popular and rose in esteem to the extent of obtaining the highest priesthood of Asia, perhaps the most exalted position they could obtain. A Latin Inscription tells us that in Africa one woman so impressed her fellow citizens with her excellence that she was elected one of the two chief magistrates of the place. Most of the professions open to men were also open to women, but medicine, teaching and similar arts were still practised by slaves or freedmen and therefore not considered occupations worthy of a free-born citizen.

That women were allowed to hold public meetings we have seen; under the Empire these grew into a regular assembly, *Conventus Matronarum*. Heliogabalus assigned his mother a place among the Senators and built on the Quirinal a meeting-place for the *Conventus*, which his biographer calls a Senate. The matters decided there seem to have been of a frivolous and ephemeral nature, more concerned with questions of dress and etiquette than those of domestic import, and the "Senate" seems to have sunk into insignificance on account of its absurdity. Under Aure-

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lian it revived for a time, and he is said to have restored to women their "Senate" and to have decreed that priestesses were to take first rank in it. Let us hope that their presence raised the nature and tone of the debates. Now, the question is whether the freedom accorded to women was instrumental in raising or lowering their moral standard. The first hasty survey of Roman life under the Empire would incline one to exclaim that it certainly produced a freedom of intercourse and licentiousness of custom seldom equalled in the world's history. But we must remember two distinct facts before coming to this conclusion—first, that the historians and comic writers of the day greatly exaggerated the vice of the age and that their writings chiefly concern themselves with the most prominently wicked and ambitious men and women of the day, that they never mentioned the thousands of good, noble women who continued the even tenor of their way and shunned the bright and vicious atmosphere of court life. Then, also, the later Christian writers took all the wheat they could find and winnowed it from the chaff, leaving the good to rot in the storehouse where they confined it, and spreading the evil in most glaring and horrible colors so as to accentuate the virtue and goodness of Christian influence as opposed to Pagan.

Secondly, we do not have to look far to find that human nature is very much the same in Christian as in Pagan days, and that the wicked flourished just as successfully under the rule of the Borgias, the reign of Charles II and James II, Louis XV and Catherine of Russia. Orgies of equal scenic gorgeousness can be found in these days, and the French Revolution and Spanish Inquisition can account for as many cruel deaths as Nero. Virtue ranked no higher among those women than amongst the matrons, and yet, they had all the beautiful truths of Christ's religion to enlighten their conscience, while the Roman women had to turn to the unattractive tenets of Stoicism as an antidote for Epicureanism. Yet in Roman history are to be found examples of virtuous and dignified women rarely equalled in any other age; and, although marriage came to be regarded as a contract equally binding on both parties and equally dissolvable by both, this did not lower the dignity of marriage because man had to be equally observant of his vows.

The Christian religion can lay claim to having done more to

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establish a general standard of morality for women than any other. It was St. Paul who laid down the definite rules for women to follow. "In like manner, also, that women adorn themselves in modest apparel, with shamefacedness and sobriety; not with broidered hair, or gold, or pearls, or costly array; but (which becometh women professing godliness) with good works. Let the women learn in silence with all subjection. But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence." And a definite reason is given for these injunctions: "For Adam was first formed, then Eve. And Adam was not deceived, but the woman being deceived was in the transgression. Notwithstanding she shall be saved in child-bearing, if they continue in faith and charity and holiness with sobriety." If logic availed anything where questions of such kind are discussed, one would have thought that Adam, having transgressed with his eyes open, would have borne more of the blame than Eve, who was, after all, actuated by a desire for greater knowledge and enlightenment than Adam's society seems to have provided, more especially when we remember that her desire to learn the higher meaning of life and immortality contained none of that curiosity regarding things sexually evil which has been introduced into the meaning long after the original version of the story had become current.

The injunctions here laid down, as also in St. Peter's first epistle (Chap. II, v. 1), "Likewise, ye wives, be in subjection to your own husbands; that, if any obey not the word, they also may without the word be won by the conversation of the wives; while they behold your chaste conversation coupled with fear," and more advice as to the simplicity of apparel and absence of adornment indicates effacement, submission, and meekness, and a generally negative attitude—more especially intended, it would seem, as a safeguard for men rather than as a moral code for women. The consolation offered by Christianity especially makes appeal to all who are in bondage, and the direct and immediate acceptance it encountered from women, who were in great preponderance among the early converts and martyrs, proves that the suppressed energy latent in them was ready to flow into any channel that would command their powers of endurance so long subjected to man's control.

The Christian code of morals for women, as handed down to

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us by the Apostles, does not add any new virtue to the list already drawn up for woman's acceptance. At the time when Christianity dawned upon the world, women had attained a very exalted place in religion, society and politics, and occupied positions of great influence, power and freedom. So that, when the new religion bearing in its wake reforms of a revolutionary and socialistic character came, it was only natural that women should throw themselves heart and soul into its fold, and for a time they were allowed freedom of thought, service and action. But in a very short time all this changed, and from that day women only figure as deaconesses and as martyrs, and the highest post to which they rose was that of a doorkeeper or a message-woman, a very humiliating change, when one considers that nearly every founder of a sect had up to this time had a woman to aid him. Witness, Simon Magus had his Helena, Montanus his Maximilla, Apelles his Philumene, and so on. But this tenet has to this day been adhered to by the Church, although women are by nature, and in practice, on the whole, far more devout and addicted to religious observances than men. The Church, by her adherence to primary statutes, has exerted a conservative influence, and imbued us with a prejudice against all that is not strictly orthodox, so that for no logical reason whatever we view unfavorably any innovation or concession to modern thought. Yet the Church, counting amongst her most ardent supporters that great body of women workers who from their very disinterestedness in worldly gain are able to consecrate their lives to God's service, should surely be the first to recognize woman's equality. Again, the Church, as guardian and upholder of the sacredness and integrity of family life, should place woman's claim to immunity on a par with man's. The Baptist and Methodist Churches are leading the way in sanctioning women preachers. The Church of England will only follow when public opinion has irretrievably set its seal of approval on the practice. There is no plausible argument against women's earning an honorable livelihood, or making a profession of Holy Orders, that would not equally apply against woman's being canonized and looked upon as a saint—yet the most orthodox of Churches has approved such a course, and in doing so has recognized woman's equality, but only after death. Lives of Women Saints and Martyrs furnish exhibitions of such truly marvellous courage

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and fortitude, inspired by revelations of the most spiritual nature, that the Church could not do otherwise than recognize them. The Christian religion has always been regarded as having conferred enormous advantages on women. Outside the spiritual gain her doctrine brought to all, and the greater severity with which she taught men to regard women in conformation with her rules of sobriety and purity, it is difficult to see in how far woman's social position was benefited. On the contrary, her public life became more cramped, and narrowed to one of pure domesticity, and her influence in affairs outside the domain of the home was *nil*. The home itself became sad and desolate, and woman's position as a mother lost its pride, the joy of child-bearing being counterbalanced by the worthlessness attributed to life. This was the way in which men regarded women under the early influence of Christianity, and the rules they laid down for their observance. The duties of the wife were simple: "She had to obey her husband, for he was her head, her lord and superior; she was to fear him, reverence him and please him alone; she had to cultivate silence; she had to spin and take care of the house, and she ought to stay at home and attend to her children. The only occasions for her going out were when she went to church, or with her husband to visit a sick brother." Clement of Alexandria says: "Nothing disgraceful is proper for man, who is endowed with reason; much less for woman, to whom it brings shame even to reflect of what nature she is."

Gregory Thaumaturgus asserts: "Moreover, among all women I sought for chastity proper to them, and I found it in none. And, verily, a person may find one man chaste among a thousand, but a woman never." The testament of the Twelve Patriarchs makes a similar statement, and adds: "By means of their adornment they deceive first the minds of men, and they instill poison by the glance of their eye, and then they take them captive by their doings, and therefore men should guard their senses against every woman." "The Angel of God showed me," he says again, "that forever do women bear rule over king and beggar alike; and from the king they take away his glory, and from the valiant man his strength, and from the beggar coax that little which is the stay of his poverty."

How, then, were men to treat so pleasure-loving, vain and

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godless a creature? She is to be shut up, all her hard-won freedom taken away, her privileges totally abolished. No longer is she to go out, nor to be seen at marriages, theatres, nor the public baths, nor the spectacles. In fact, she is to have no amusement of any kind, and when she leaves her home to go to church or to visit the sick she is to go heavily veiled—it must be remembered that Roman women no longer hid their faces, so that this was a return to Oriental customs. If a woman was beautiful, all the more reason to hide her. "Natural grace," says Tertullian, "must be obliterated by concealment and negligence, as being dangerous to the glances of the beholder's eyes." In an age when the love of beauty was still the strongest incentive to art and idealism, how painful such an injunction must have been to women who could no longer hope to be the inspiration to works of everlasting fame. It is not astonishing that Christianity soon killed all art, as everything that gave pleasure, except asceticism, was considered sinful. And so women were looked upon as "fire-ships continually striving to get alongside the male man-of-war to blow him up into pieces." Pretty clothes and finery of any kind were forbidden, and woman's sole ambition was to be to occupy herself in cooking, "so that it may be palatable to her husband," as Clement enjoins.

Now, what were the reasons that brought about such degrading conditions? They were two: first, "marriage, even for the sake of children, was a carnal indulgence"; second, "the Christians had come to the belief that the world had enough of children, that every birth was a cause of sorrow and not of joy."

One writer interprets the wail of the infant as he enters the world thus: "Why, O mother, didst thou bring me forth to this life, in which prolongation of life is progress to death?" and more in the same vein.

No wonder that wives came to be regarded as a curse leading to misery, and as a practical proof of carnal weakness in men. No wonder that all women shared in the general obloquy and that only virgins were exempt. Widows were regarded with slightly less displeasure than wives, although their past weakness was remembered against them; still, as long as they did not venture on a second marriage, which was highly disapproved of, they were regarded as showing signs of repentance for their former indulgence. Professor Donaldson comes to the conclu-

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sion that "perhaps this absence of domestic affection, this deficiency in healthy and vigorous offspring, this homelessness, may account in some degree for the striking features of the next century, and especially the prevalent hardness of heart." "If a lesson is to be drawn," he continues, "it surely is that, as with individuals there is no place like home, so with a state there is no institution like home; that a community can be great only where there are happy, harmonious and virtuous homes, and that homes cannot be happy and harmonious and virtuous unless woman is accorded a worthy place in these homes, with freedom of action, with a consciousness of responsibility, and with the right, unfettered by circumstance or prejudice, to develop all that is best and noblest in her to the utmost perfection." With such a conclusion we willingly concur. Circumstance is gradually helping woman to attain her full development, but prejudice still bars the way, not only the prejudice of men, but of her own sex, in many cases as bitterly and ferociously expressed as by the early Christian writers.

We have seen that even the advent of a new faith bearing with it promises of salvation to the lowest and most degraded, had not the effect of establishing a moral code for women other than the standard relative to man's ownership. Marriage became more sacred in that it endowed woman with equal responsibility as far as her willingness and consent were concerned and made her a spiritual partner in grace. But, on the other hand, the general attitude adopted against marriage as a lower state of grace reflected on woman, and came to be looked upon as a serious hindrance to a virtuous life. Her morals were still a mere relativity to man, honor as understood among men was never taught her, truthfulness apart from man's interest not expected. A thing is never good or bad in itself as far as woman is concerned. In the New England States women were as grievously punished for being scolds as men were for stealing, simply because scolding was a serious cause of inconvenience to the husband, and he induced the community to establish it as an offence deserving the ducking-chair. In England, as late as 1850, a man sold his wife in the market-place because she was a scold. She fetched the large sum of sixpence. Instances of this kind could be indefinitely enumerated, did space or time allow. All we wish to establish is that woman's sense of honor

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is not expected to be either logical or rational, and that its conception is purely masculine. One of the first reforms women should set themselves, when franchise enables them to do so, is to establish a moral standard for women in which every iota will not be relative to the sex question. The growing desire to be regarded as individuals rather than as women is getting strong enough in women of all civilized countries to make such a measure welcome to all, and it will do more to plane away prejudice and a certain false modesty than any amount of propaganda and agitation. Thus woman's position was not materially advanced by the advent of Christianity, but many of her former privileges and much of her influence became lost to her.

The curious hostility and lack of faith that animated men towards their wives all through the first centuries of Christianity are shown by the instructions and restrictions they laid upon them during their absence at the religious wars. The wife remained shut up in the tower of her castle embroidering some endless tapestry surrounded by her handmaidens. The very aspect of those tapestried battles, recording the valor of their lords, embroidered by skilled hands, but conceived by poor little ignorant brains with just sufficient imagination to lay low here a knight and upraise there a lance, is illustration enough of the patient reticence and ignorance of those high-born dames. Even the type of female beauty that figures prominently before the Renaissance as painted by the pre-Raphaelite is one that has meekness and docility imprinted in every line of countenance.

As far as their education was concerned, the domestic qualities were taught them, and a little Latin, just enough to read their prayer-books. The centres of learning being in the hands of the clergy, religious instruction played the most prominent part in education. Philosophy and the little science known were looked upon as inspired by the devil and shunned as his work. Compare the Roman matron's education to that of the Christian lady of the Middle Ages. Is it to be wondered at that the Renaissance embodied for woman, as well as man, that great rebellion of nature against the shackles of ignorance and coercion under which the Church had so successfully held humanity.

With the reawakening spirit of Paganism embodied in the love of the beautiful and the free, the great wave of returning sensibility swept over the globe, beginning in Italy and spread-

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ing through western Europe to England. The world had at length awakened to the fact that it was living in bondage, that there had been treasures of art, philosophy and learning, before the advent of Christianity, and that their own productions could by no manner of means approach the classic ones. At once a great revival of art, architecture, literature and learning arose, and, although philosophy and science were still banned by the Church, many read and digested in private. Women were not slow to avail themselves of this new impetus towards a freedom of thought and action from which they had for long been debarred. Indeed, it is worthy of remark that at each new ebullition of thought, be it of a religious or artistic nature, woman at once uses the confusion that follows on the institution of a new order for an old to advance her own cause towards the moral independence and individual liberty she so earnestly craves. With amazing rapidity they adapt themselves to altered conditions and environments, and the great ladies of the Renaissance, famous for their learning, their wit, tact, cleverness and grace, in fact all the arts requisite to leaders of thought and elegance, became the subtle and dangerous rivals of the statesmen and intriguers of the day, defeating them at their own game, unscrupulous and daring as Machiavelli himself. What suppressed energy must have been waiting ready to spring forth the moment opportunity unbarred the gate. Thus in the van of every great movement we find woman pushing her way to the front with an ever active and efficient energy ready to serve her purpose. See in the days of the French Revolution woman casting aside all her conservative and more quiescent virtues, and assuming the catabolic energy of man to accomplish a work man himself at moments hesitated to pursue but for her enthusiastic persistence.

The existence of so much restive and turbulent energy seems to denote that woman has not yet accomplished the position she means to occupy in society, and that having engendered no actual purpose as yet she throws her activity into whatever channel is most ready to hand. The bond known as *esprit de corps* does not strongly exist among women, and its absence accounts for the fact that they have not brought about reforms to strengthen and consolidate their own position.

CONSUELO MARLBOROUGH.

(To be continued.)

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THE FUTURE OF THE TARIFF.

BY ROBERT P. PORTER.

In May, 1897, I wrote an article for this Review on "The Dingley Tariff Bill" which was then pending. Eleven years later, I am asked to write on the proposed tariff measure now under consideration by the Ways and Means Committee of the House of Representatives, which will probably be the nucleus of the Tariff Law of 1909. In the first article referred to, it was pointed out that tariff legislation is "extra hazardous," and that statesmen undertaking such dangerous fiscal work must be prepared for the reaction. Every statesman since the War, who has been called upon to revise the tariff, has, except Mr. Dingley, wrecked either his party or himself or both before he accomplished his task. In bequeathing the tariff question to his successor, President Roosevelt has shown himself to be a politician of the first quality, for the framing of a tariff law constitutes the most difficult and complicated problem that statesmen and economists have to deal with. Nor do I speak entirely without authority on the subject. In 1882, as a member of the Tariff Commission which framed the law of 1883, I first realized the magnitude and ramifications of the tariff laws. Later, in 1890, it was my fortune to aid the late President McKinley in the statistical work connected with the tariff bill of which he was the author. Again, in 1898, as Special Commissioner of the United States, I had charge of the tariff work of both Cuba and Porto Rico, and framed and put into operation the first tariff laws of those islands. This familiarity with the subject has not inclined me to talk glibly, as some people do, on "tariff revision," to expatiate on "tariff reform" or to favor hasty and radical changes in the tariff schedules. No sooner had President McKinley promulgated the Tariff Law for Cuba (January 1st, 1899)

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than merchants, both in Havana and in the United States, began to appeal to me to change the rates and classifications. Such a course, however, would have become intolerable, and President McKinley finally issued an Executive Order which declared that, no matter what might be the individual hardship, the rates must remain unchanged for twelve months.

The folly of subjecting interests involving the whole business of a country—especially of one with nearly 100,000,000 population—to periodical changes of tariff, upward and downward, is manifest. When once a tariff bill has been passed and becomes a law, it would be well if it were made a penal offence for a person—statesman, reformer or otherwise—to talk "protection" or "free trade," not for a period of twelve months, but for a period of twelve years. The Dingley Law has now been in force for more than a decade, and there may be excuse for revising it. At the same time, it should be remembered that the country is just slowly recuperating from a serious financial panic, and that operations, even if performed by careful and skilful hands, are extremely dangerous when the vitality of the patient is low. But, in this case, the wise and the unwise in tariff affairs seem to agree that revision is necessary, and hence the work will proceed, let us hope, along lines that will evolve a reasonable and, above all, a permanent measure.

Those high protectionists who are now complaining that the reduction of the tariff will injure their particular industry and necessitate a decrease in wages have largely themselves to blame for the public sentiment which demands a reduction. The Dingley Tariff Law is a much more protective measure than was the McKinley Law. To offset the increased rates levied by the former, the reciprocity clause was enacted, which, the promoters of the bill urged, would enable the President to reduce rates twenty per cent. on the merchandise coming from countries willing to make similar reductions on American commodities entering their ports. Having made this clause do valiant duty in allaying criticisms during the discussion and debates on the bill, the period of its operation was limited to two years, and hence was not made co-terminate with the law. Acting in good faith, President McKinley and Secretary Hay appointed Mr. Kasson to prepare a number of treaties in order to secure the advantages of the clause whilst it was vital. Though eight of these

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treaties were negotiated (that with France being a particularly advantageous one to the United States), the high protectionists, who at the time controlled the Senate, refused to ratify any of them. These treaties were pigeonholed until the limitation in the Dingley Law permitting the President to make them expired, and all effort to revive or extend the so-called reciprocity clause was resisted. It was anything but a "square deal," and no one realized it more keenly than did the protectionist President and his able Secretary of State. Yet, speaking as a protectionist, I cannot but think that the Senate's policy was short-sighted. Had these reciprocity treaties been met with more hospitality by the Senate, there would now have been less adverse public sentiment arrayed against the tariff demanding, as President-elect Taft does, "both revision and reciprocity."

President McKinley's political insight made this clear to him, and, veteran maker of tariffs as he was, he did not hesitate to promote a policy which he believed to have become necessary. In his last speech at Buffalo he said:

"Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. . . . A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. . . . The period of exclusiveness is past. . . . Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If, perchance, some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?"

If President McKinley had lived to carry out this policy, or had his successor been as deeply interested in economic questions as he is in "moral questions," the tariff by this time might have been removed from politics. If it is true that a high protective tariff encourages monopolies and creates trusts, a little more attention to this particular economic question on the part of the President might have reduced the number of "moral questions" which he has been called upon to deal with. In his first annual message, Mr. Roosevelt asked the Senate to consider the reciprocity treaties laid before it by his predecessor. From that time, the demand for their recognition became fainter and fainter, until no more was heard of it; and reciprocity, the "handmaiden of protection," as Mr. Roosevelt described it in

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his first annual message, with the tariff itself, has been passed along to Mr. Taft, whose ability, courage and tact may be put to an early test in the part of an arbitrator which he will be called upon to play between a newly elected House pledged to "honest tariff revision" and an unrepentant Senate as yet but partially converted to the "new order of things."

Conditions which now confront the legislators at Washington engaged in tariff revision differ materially from those existing in 1882, when the Tariff Commission brought order and harmony out of the chaos of the War Tariff, popularly known as the Morrill Law. Our important industries were then just beginning to stand alone, and European—especially British—competition was a real menace to some industries. Manufacturers of iron, steel, woollens and worsteds, pottery and glass, chemicals, silk and some miscellaneous other products, were becoming better able to compete with their foreign rivals, and whilst they were not so insistent on advances of rates I recollect they rather strenuously opposed reductions. Other conditions were different. The trade complications and trusts had not developed to anything like the extent in which they exist to-day. The individual firms, or rather their representatives who gave evidence before the Commission, were, as a rule, able to weave into their testimony and statements a story of perseverance in overcoming difficulties and enterprise in establishing American home industries, and they evoked sympathy and to a reasonable extent deserved governmental encouragement. One illustration, perhaps the most picturesque, is sufficient to illustrate my meaning. Take Mr. Carnegie's testimony before a Tariff Committee which met twenty-five years ago, and compare it with his evidence last month. Then he was an enterprising manufacturer anxious to develop a great industry this side of the Atlantic. Then he was a man with unbounded faith in the resources and possibilities of his adopted country—resources and possibilities which could only be brought into active operation by a bold policy of protection which declared that those industries should be established here for the use and benefit of the American people, and that it was cheaper in the end to make and buy at home and employ American labor —even though the price were higher—than to import from foreign countries. These were sentiments that rightly affected the legislators. The situation to-day is different; for, as Mr. Car-

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negie has himself told us, the infant has grown to be a giant. The American iron and steel industry, taken as a whole, is firmly established; and even those actively engaged in it would not be foolish enough to admit that the trade requires the same protection as it did in the earlier stages of its history.

But it does not follow that it would be wise to transfer even the iron and steel schedule to the free list. Neither is it certain that the conditions of all industries established and protected by the tariff permit of an indiscriminate reduction in the rate of duty. A substantial reduction should be made on those articles in the manufacture of which America is strong; while, on such articles as other countries lead in manufacturing, a rate of duty should be maintained that will compensate American manufacturers for the difference in the cost of labor which exists largely because of the difference between the wages paid here and those paid abroad.

What is true in regard to the iron and steel industry may be true in a greater or less degree in regard to other schedules. The woollen and worsted schedules undoubtedly contain excessively high rates of duty, and the estimable gentlemen representing these interests have invariably failed, when requested, to take the public into their confidence as to the exact cost of manufacturing. Heretofore, the *ex-parte* statements of interested witnesses have been accepted, not through any collusion between the framers of the tariff law and the manufacturers, but because, as a rule, counter-statements were not offered, or, if offered, were proved, on examination, to be even less accurate than those furnished by the manufacturers themselves. No one would accuse such statesmen as Judge William D. Kelley, President McKinley, Representative Dingley, Senators Allison and Aldrich, and many others who have had charge of a generation of American tariff legislation, of dishonesty of purpose. They have been largely occupied with the ambition of establishing as many diversified industries in this country as practicable, and with keeping the wages of American labor as high as possible. That the idea of a "full dinner-pail," employment for labor at good wages and a prosperous country should have become part of the platform of a political party is not unnatural, and that the statesmen prominent in tariff legislation should be regarded as popular leaders of the party of protection may have been their reward.

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But I am talking of the past. The future is both more interesting and more important. The country and its industries have outgrown the older methods of tariff revision. The personal element has disappeared. The men who struggled with the beginning of American manufacturing have, as a rule, been rewarded financially by the splendid growth of the country, and many of them have passed away, together with the capable statesmen who patiently listened to their stories and heeded their plea for protection. Many of those who are still with us, like Mr. Carnegie, are rich beyond the dreams of avarice, and no further sympathy need be extended to them. In their place, we find, in many instances, large impersonal combinations, capable of utilizing all the modern methods of production, and able to hold their own in the world's struggle for industrial and commercial supremacy. The persistent sale in foreign markets of commodities produced by the American manufacturing trusts at a lower price than that maintained here has rightly caused great dissatisfaction at home and added much to the unpopularity of the tariff. Nevertheless, these trusts, representing as they do an immense army of American wage-earners, are entitled to be heard on their own behalf, and to a fair and just consideration on the part of the legislators. The protective system that brought them into existence cannot wisely be suddenly withdrawn. Extra care should also be exercised even in making "reasonable reductions" of the tariff during a period of temporary business stagnation. It should be borne in mind that these industries are part of our commercial fabric, and if those who control them are compelled to cheapen their output by the reduction of the rate of duty to an extent that will necessitate the discharge of hands or the reduction of wages, those now clamoring for tariff revision may turn and rend the revisionists, just as they did after the passage of the Wilson-Gorman Tariff Bill. Moderation should, therefore, be the watchword.

The moral aspect of tariff legislation has, at least to my mind, undergone as great a change in the quarter of a century under discussion as have the economic aspects. This was illustrated the other day during the discussion of the woollen schedule, when it was brought to light that a Government servant now holding an important official position in Washington and a statistician of note, helped the Chairman of the Finance Committee of the

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Senate when the Dingley Bill was in the making, though at the time he held the position of Secretary to the Woollen Manufacturers' Association. It is true he received no pay from the Government for three months of arduous work, but public opinion, nevertheless, was shocked and surprised at the possibilities which the incident opened for corruption, and the newspapers not actually denouncing it decidedly disapproved of this method of tariff revision. As a matter of fact, it was only a little old-fashioned. In making up the Tariff Commission of 1882, President Arthur did not hesitate to appoint the Secretary of this same organization, Mr. John L. Hayes, to the Presidency of the Commission. The Secretary of the Wool Growers' Association, Mr. Garland, was also a member of that Commission, while iron and steel, sugar and pottery, all had strong representatives in its deliberations. To be sure, free-traders objected to this, but the general public regarded it as they once did the "good old spoils system" as a matter of course, and went on their way unheeding. The Bill those gentlemen prepared was, upon the whole, a fair one, alike to the protective interests, the importers and the consumers. Nevertheless, the principle was wrong; and, with the public conscience awakened on the question as it is to-day, no President would dream of making up a Tariff Commission on similar lines.

The present changed method of preparing for the work of tariff revision should show a great difference in the result. The Bill of 1883 was changed—for the worse, I think—in the Ways and Means Committee room; the McKinley Bill of 1890 was largely settled in Mr. McKinley's room at the Ebbitt House by protectionists; the Wilson Bill was the work of those interested in a low tariff. But the methods adopted were the same. The Dingley Bill was in process of formation when the high-tariff advocates were squarely in the saddle and McKinley himself in the White House. Here again the methods were practically the same, but the growth of the country made them more cumbersome. President McKinley had even then outgrown these methods, and he regarded the Dingley Tariff as too high in parts. I discussed it with him at the White House while it was under consideration, when he said to me that he hoped Mr. Dingley would have no rates of duty higher than those of the McKinley Tariff. As to whether Mr. Dingley did have or not, a comparison of those two measures would tell, but subsequent events, together

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with the extract from Mr. McKinley's last speech before quoted, show that, before his tragic death, Mr. McKinley believed the modification of certain schedules would not be injurious to American manufacturing industries.

The recent hearing before the Ways and Means Committee indicates a broader method of treatment. In the testimony, the *pros* and *cons* of the tariff question have been more distinctly brought out than has been the case at any inquiry of the kind within my recollection. The official data bearing on the subject in possession of the Committee, I have been given to understand, are reliable and complete. Such trustworthy data will be very necessary if the Committee propose to act on the promises of the Republican platform in framing the tariff of 1909, and to "maintain the true principle of protection while so adjusting the rates of duty as to equal the difference between the cost of production at home and abroad," always bearing in mind "a reasonable profit to American industries." A more complicated and difficult task it would be impossible to imagine, and should the House and Senate Committees succeed in carrying it out they will deserve great credit. Just how it is to be done I am not prepared to say, unless some general rate of difference in wages could be established and that rate be taken as the maximum rate of duty for the new schedules. But, whatever plan is agreed upon, it is almost sure to antagonize some interests, and those interests will naturally do their best to convince Congress that their business has been seriously injured.

The proposed feature of maximum and minimum rate of duty I approve and hope to see incorporated in the new law. It is merely another way of carrying out the original intention of the Dingley Law when the Reciprocity Clause already referred to was inserted. The public demand for such outlets for trading with other countries—a demand which secured the insertion of the maximum and minimum clauses in the National Republican platform at Chicago—indicated that the practical nullification by the Senate of the reciprocity principle offered in the Dingley Law has been disapproved by the country.

In forecasting what I thought the Dingley Bill should be I used the following language, which I quote, as it applies to the measure now in course of preparation:*

* See NORTH AMERICAN REVIEW, May, 1897.

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"So our tariff should be high enough to make up for the difference in wages paid here and abroad. It should be sufficient to protect American industry and American labor. It should, moreover, be just and equitable to all branches of industry. Irritating duties, unimportant from a revenue point of view, such as duties levied on scientific apparatus and books for schools and colleges and libraries for educational purposes, including all works of art, may with safety be avoided. There should be no discrimination. And, lastly, it must be framed from the foundation with a view to revenue necessities of the Government."

In conclusion, let me endorse the idea which, I believe, has been fully discussed in the pages of this REVIEW by other contributors, namely, that a permanent Commission should be appointed for the purpose of investigating and suggesting to Congress, from time to time, changes in both the administration and classification of the tariff law and in the schedules of rates. Only in this way can the tariff be taken out of politics, as it should be, for the country is now too large and the interests involved too vast to permit of a fluctuating tariff policy. A permanent non-partisan Commission could investigate and annually recommend to Congress the necessary changes. Then the tariff itself is constantly changing. That is, a specific duty of so much per pound, or other unit, to-day may be a reasonable rate, but should the price of the article be cheapened it gradually becomes a high or even unreasonable rate. Such a Commission could also furnish Congress with exact information in relation to the sale of articles (the manufacture of which is protected by the tariff in America) in foreign markets at prices greatly below those charged the domestic purchaser. To what extent the formation of trusts tends to create monopolies, control the market or enhance the cost of commodities to the home consumer is a vital question which can only be fully answered by persistent practical inquiry. A carefully prepared measure, containing the salient features of both the Beveridge and La Follette proposed Commissions Bills, should be approved and enacted as part of the tariff law of 1909.

ROBERT P. PORTER.

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PERPLEXITIES OF TARIFF REVISION.

BY ALBERT H. WASHBURN.

THE attitude of the two great parties on the tariff during the Presidential campaign — one declaring "unequivocally" for revision at a special session to be called immediately after March 4th, the other through the Denver platform welcoming "the belated promise of tariff reform" made at Chicago—foreshadowed some months ago impending tariff changes. Any small margin of ante-election doubt was wholly wiped out by the choice of a President and a Congress in political accord with each other. Indeed, the official death warrant of that somewhat venerable measure known as the "Dingley Act" is now in actual preparation. Before it can be signed, however, the present tariff will have had a longer lease of life than any of its prototypes—not excepting the Walker Tariff of 1846, which remained for eleven years on the statute-books with unimportant modifications.

The fact that the main stream of our national income flows from duties upon imports makes tariff revision serious business at all times. For the fiscal year ended June 30th, 1907, which reflects fairly the growth of the past decade, our total income, excluding postal receipts, amounted to $665,306,134.92, of which a little over half, $333,230,126.49, consisted of customs income. The shrinkage of nearly $60,000,000 in revenue from the same sources during the fiscal year recently ended is accounted for to the extent of approximately $47,500,000 by the falling off in duties, notwithstanding that, of the nearly $600,000,000 collected, something in excess of $285,000,000 consisted of customs receipts. These figures show how largely the tariff is the keystone of our fiscal arch. They give us, too, some hint of the magnitude of the responsibility involved in any sweeping revision.

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Tariff legislation is Committee legislation in its early stages; in its final stages it is largely Senate legislation. Revenue measures must originate in the legislative branch nearest the people —so runs the Constitution, and we still carefully observe the ancient forms. The Ways and Means Committee drafts the bill which is reported to the House. The preliminary work of revision is usually done some months in advance of the assembling of the enacting Congress. Public hearings are held and the Committee is flooded with advice, suggestion and recommendation, much of it of uncertain value, which is published in bulky volumes and presently consigned to oblivion, thereafter to be resurrected occasionally as an infrequent aid to a Federal court in determining what was in the legislative mind when it adopted some particularly ambiguous schedule.

It is safe to say that the work that counts in tariff building is not done in this way. From March, 1875, when Speaker Blaine retired, down to the Fifty-first Congress of "Tsar" Reed, which was elected with Harrison in 1888, the Republican party controlled the Lower House for two years only—and that was the Congress which it managed to pull through with Garfield in 1880. During the life of this Congress, a Tariff Commission, consisting of nine Commissioners taken from civil life, was appointed to gather expert information. This body travelled about the country by easy stages, visiting the great industrial centres and making copious notes of what it heard and saw. It filed with the Speaker of the House a voluminous report prepared with great care and evidently intended to inform and instruct. It is apparent from the tenor of its recommendations that the Commission hugged the delusion that a grateful Congress would make haste to enact into law the results of its toil and sacrifice, but the chief historical interest which this public document possesses lies in its total lack of resemblance to the Act of March 3rd, 1883. Then, as now, the real work was done *in camera*.

Of much more human interest, measured by practical standards, is the nature of the information supplied the Committees of the House and Senate by various tariff experts, notably members of the Board of General Appraisers. The members of this tribunal —nine in number—are clothed with original jurisdiction of all customs disputes, except those growing out of seizure. They are now vested with the powers of a United States circuit court,

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enjoy practically life tenure, and determine with more or less finality the classification and value of imported merchandise. To these men, more perhaps than is generally supposed, members of the House and Senate have of late years turned for expert information concerning the different schedules.

In anticipation of coming revision, a large amount of data has been collected for the use of the House and Senate. Its quality, taken as a whole, is understood not to be altogether satisfactory, but one feature of it is probably superior to anything hitherto attempted on like occasions. Each paragraph of the tariff has been carefully annotated with all the judicial decisions construing it, and phraseology to meet these decisions (especially those adverse to the Government) has been suggested, there is excellent ground for believing, by general appraisers and other officials.

If the work of revision should halt at this point, the result, of course, would be mere patch-work. Extreme Stand-patdom may hail such a policy as the highest wisdom, but it is likely to be overruled. It is precisely at this point, however, that the preparatory tariff work shows signs of breakdown. It is now freely admitted that the interrogatories which were prepared last summer to aid our consuls and special agents in their efforts to ascertain the cost of production abroad have been singularly barren of results. Foreign manufacturers are reported to be reluctant to open up their books and analyze their costs of production, especially when the advantages to them from such a course are decidedly dubious.

Confronted by a "conspiracy of silence" abroad and by the avarice of a certain type of domestic beneficiary at home, the Committee's plight is serious, for upon the thoroughness and accuracy of this kind of information the theory of a just scale of compensatory duties rests. Moreover, if it would do its full duty, the Committee must comply with another condition quite as difficult of fulfilment. It must grope in the twilight land of modern industrial management to construe and fix the "reasonable profit" guaranteed by the Chicago platform.

All this presents one of the strongest reasons that could be advanced for the establishment of a permanent bureau of experts who shall devote their time to the study of comparative trade conditions. If protection is to continue to be the settled

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national policy, the necessity for some such cog in our system is, however, very real—more pressing, even, than the altruistic demand for the creation and multiplication, at this juncture, of separate Federal courts of review. This need not involve any legislative abdication whatever. It is probable that no really scientific tariff, well balanced and consistent throughout, will ever be devised so long as we cling to the present haphazard methods. The German Conventional Tariff now in force is said to have been the outcome of five years of unlimited labor by a Government Commission which collected and classified every available scrap of expert evidence. With a task quite as herculean, and involving, from present indication, some adoption of the maximum and minimum idea, we are seeking to do the same work after a preliminary preparation of something like five months.

In one respect, the formal beginnings of revision have not been happy. The announcement the day after election of immediate public hearings was so sudden to the uninitiated and the time allotted so scant that many sceptical persons promptly concluded that the whole programme was cut and dried. It was asserted and believed in some quarters that there was to be a "bogus" revision, and that the hearings were intended to be perfunctory only. The effect of all this was to discourage, at first, the offering of testimony. It was the more unfortunate because there was not the slightest ground for supposing that a single rate had been written in the new bill or agreed upon in advance. The suggestion of phraseology by experts is quite another matter. At best, it is but recommendation, with the rates left blank. The prevalence of any wide-spread belief that the new tariff is prejudged can only hamper the Committees of the House and Senate in their task, already sufficiently hazardous, of framing a bill which shall meet reasonable public expectation.

After a bill comes out of the Committee of the Ways and Means, it runs the gauntlet of the House, which is not so formidable as it may sound. Most of the recent measures have passed after a meagreness of debate upon the merits and an absence of amendment which would indicate a striking unanimity of view, were it not the perfect flower of a system of cloture which an unwieldy membership has made possible. From the House itself, the bill goes to the Finance Committee of the Senate, which

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may, if it chooses—and it sometimes chooses—retain little of the original House measure save the enacting clause. In the Senate, where debate is unlimited, the first real debate takes place. The members of the party in opposition resolve themselves into a Court of Inquisition, and proceed to inquire and discuss until they are content to give the "unanimous consent" requisite to a final vote. All the multitude of amendments which slumber unoffered for lack of opportunity on the desks of House members may be proffered here without hindrance—the great majority all in vain. Finally comes the all-important Joint Conference Committee on the part of the two branches, where there is usually much mutual recession, calling sometimes for the entire redrafting of paragraphs and schedules to meet the criticisms and objections of the final framers. Amendments may be offered at any stage and a certain number, more or less crudely drawn, find their way into the body of the bill before it goes to conference. It is upon this Committee that is cast—with such expert aid as it cares to command, of course—the stupendous labor of sifting and comparing inconsistent provisions, restoring the nice adjustments between rates on raw materials and finished products wherever they have been disturbed, and finally grouping the paragraphs and schedules into the proper perspective. Even with this vigilance, every bill is more or less marred by inconsistency and contradiction.

The one notable exception to this method of procedure was in 1894, when the late Senator Gorman of Maryland, speaking for the Democratic malcontents who were dictating the Senate action on the bill of that year, solemnly notified Chairman Wilson and his confrères of the House that they could take the Senate bill without the dotting of an *i* or the crossing of a *t* or leave it—and the House yielded with a very wry face. The tariff measures which bear the names of McKinley and Dingley, in a lesser degree only, have the distinct Senate impress.

A few years ago, an eminent, though somewhat unfriendly, foreign critic of our institutions complained that there is no debate worthy of the name accompanying the enactment of a new tariff, that on the economic or fiscal merits hardly a thought is bestowed, and that our chief concern is to satisfy and reconcile the clamor of local interests. This criticism, like so many other superficialities, contains only a half truth. The tariff is doubt-

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less more of a local question than was generally believed when General Hancock made his now famous announcement of the campaign of 1880, but no measure can be justly taxed with being entirely devoid of all sense of economic or fiscal proportion. If it were possible, of course, to found an ideal state where everybody thought alike and where there were no jarring interests, some dominating mind might very likely evolve a perfect bill. But no tariff bill can possibly be the product of one mind, no matter how dominating. It is begotten of the fierce conflict of many interests and many minds, and therefore far from perfect.

That a tariff debate does not yield much that is informing to the economic student need occasion little surprise, even to the intelligent foreign critic. Aside from a very lively appreciation of the demands of his district or State, the average member of Congress has little more real insight into the intricacies and niceties of the different paragraphs composing a schedule than has the Grand Llama, and this must be so. An apt illustration, only one of many, is found in the steel schedule. It sufficed formerly to group wire in the same paragraph with numerous other articles.

Thus we find this language in the Act of 1862:

"On steel in ingots, bars, sheets or wire, not less than one-fourth of an inch in diameter, valued at seven cents per pound or less, one-fourth of one cent per pound; valued at above seven cents per pound and not above eleven cents per pound, one-half cent per pound; valued above eleven cents per pound, and on steel wire and steel in any form, not otherwise provided for, five *per centum ad valorem*."

Here was a simple provision compared with the highly specialized separate wire paragraph of the present Act:

"137. Round iron or steel wire, not smaller than number thirteen wire gauge, one and one-fourth cents per pound; smaller than number thirteen and not smaller than number sixteen wire gauge, one and one-half cents per pound; smaller than number sixteen wire gauge, two cents per pound: provided that all the foregoing valued at more than four cents per pound shall pay forty *per centum ad valorem*. Iron or steel or other wire not specially provided for in this Act, including such as is commonly known as hat wire, or bonnet wire, crinoline wire, corset wire, needle wire, piano wire, clock wire and watch wire, whether flat or otherwise, and corset clasps, corset steels and dress steels, and sheet steel in strips, twenty-five one-thousandths of an inch thick or thinner, any of the foregoing, whether uncovered or covered with cotton, silk,

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metal or other material, valued at more than four cents per pound, forty-five *per centum ad valorem:* provided that articles manufactured from iron, steel, brass or copper wire, shall pay the rate of duty imposed upon the wire used in the manufacture of such articles, and in addition thereto one and one-fourth cents per pound, except that wire rope and wire strand shall pay the maximum rate of duty which would be imposed upon any wire used in the manufacture thereof, and in addition thereto one cent per pound; and on iron or steel wire coated with zinc, tin or any other metal, two-tenths of one cent per pound in addition to the rate imposed on the wire from which it is made."

It requires but slight study to show that this provision was intended to protect the wire-drawing industry of the United States and to provide a progressive increase in duty dependent upon advancement in manufacture. Only a technical expert could have suggested the form of such a provision.

This growing complication in modern tariffs has made revision, in its details at least, more and more the work of the expert and less and less the work of the legislator himself. Indeed, it is only a corporal's guard now, with Senator Aldrich pre-eminently at its head, and a dwindling corporal's guard at that, with the passing of Mr. Dingley and Senators O. H. Platt and Allison—that may be said to be thoroughly familiar with tariff anatomy.

From the moment a bill is reported to the House and its provisions published to a waiting world, up to its last hour in conference, the interest in the outcome is intense. Some of the criticism is academic, in the sense that it proceeds from persons who are disinterested and who view a tariff as good or bad according as it approaches their ideal of protection or free trade. All this no doubt has its useful side, but has little effect upon the work in hand. Party policy having decreed the measure, party discipline is adamantine.

There is quite another form of attack which is not precisely inspired in the interest of pure dogma. It proceeds with some directness and insistence from those immediately affected. When one of the most powerful of human motives—self-interest—is in action, the spectacle is not always edifying. But, after all, it is very human, for the mental attitude of men who see, or fancy they see, their business imperilled by a proposed rate of duty is hardly likely to reflect calm indifference. Manufacturer and importer alike are vitally interested, and common business pru-

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dence compels them to heed every change likely to affect them directly or remotely. Neither can afford to ignore the march of events and both are more or less constantly on guard.

The forces representing domestic interests are, as a rule, the most effective and the best disciplined. They long ago learned the value of organization and intelligent concerted endeavor. Somehow, the efforts in the name of the importer are apt to be less telling. Perhaps this is partly because the importing portion of our population is not a potential force outside of New York City; perhaps its political activity is more circumscribed. Whatever the reason, the fact is undoubted.

No schedule illustrates better the truth of this than that which relates to wools and woollens. The necromancy of the "political shepherds" in any legislation affecting the tariff has long excited the admiration of the envious. Nothing suspected of containing a fibre of wool, whether in a raw or manufactured stage, escapes attention. The average rate of duty on raw wool approximates forty per cent. It is, however, not so much the rate, as burdensome as it is to many domestic woollen manufacturers who require grades of wool that cannot be grown here, which makes the importation of raw wool a doubtful enterprise. It is rather the system of progressive specifics based on value. For example, wool of a certain condition, with a foreign market value of less than twelve cents a pound, pays four cents a pound duty, while it pays seven cents a pound if worth more than twelve cents. The determination of the market value rests with the customs officials in the first instance, and with the Board of General Appraisers finally. Not infrequently a decision that the market value of such wool is a very small fractional part of a cent over, though conclusively shown to have been purchased under, twelve cents, has operated not only practically to double the duty, but also to pile up fines and penalties because of technical undervaluation so stupendous in size as to cripple, if not actually ruin, the consignee.

The word "wool," moreover, is most comprehensive in scope, and is made so by the explicit language of the tariff. For a long time skins containing patches of mocha hair which had cost more to remove than the hair was worth as a commercial commodity—the skin used in the manufacture of glove leather being the thing that was valuable—was assessed at the wool rates,

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until the United States Supreme Court reversed the practice about a year ago.*

Expressed in terms of *ad valorem* equivalents, some few of the rates on woollen manufactures exceed 150 per cent. and a numerous variety of articles take rates above 100 per cent. The average rate on manufactures of wool is estimated at about ninety per cent. This result is accomplished under the cloak of a mixed specific and *ad valorem* system, which conceals admirably many rates that are in effect prohibitory. It is a familiar principle running through most tariffs to assess merchandise according to the component material of chief value, but the provisions in the wool schedule for articles of wearing apparel of every description, and manufactures generally, wholly or in part of wool, are so adroitly worded that their drag-net provisions catch such foreign articles as cotton quilts having a fringe of wool, and even paper mottoes embroidered with wool, insignificant alike in quantity and value. There can be little doubt that the wool schedule, like the steel, will be one of the storm-centres of revision.

The revenue aspects of a tariff must always be kept constantly in view. It is, of course, axiomatic that the degree of prosperity has a marked influence upon the volume of receipts. It is perhaps unfortunate that revision follows a period of sharp, if temporary, industrial depression, and at a time when the serious falling off of revenue threatens a deficit of alarming proportions. This circumstance, while it can scarcely fail greatly to embarrass, will not of necessity defeat a thorough overhauling of existing schedules.

The party in power in its formal written platforms, and through the speeches of its recognized leaders, has often declared that it is not wedded to any particular set of schedules, but its latest pledge for revision is not necessarily to be confounded with drastic reduction. The Republican candidate, in his letter of acceptance, indicated a belief that, if some rates were too high, others were too low. It ought to be said, however, that every authoritative utterance of Mr. Taft since his election arrays him on the side of a thorough and scientific revision, wherever that may lead. It is significant that the Wilson Act of 1894, which was originally offered as a "reform"

* 206 U. S., 194.

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measure, contained many substantial advances. If the pruning-knife is to be wielded with any vigor upon schedules suspected of harboring abuses, the loss of revenue which will result from this operation must, if present conditions continue, be made up in other directions. This supposed loss will in some instances doubtless be more apparent than real, for it should be said in this connection that an examination of the annual receipts derived from the rates imposed by many paragraphs in the present act will prove conclusively that, though high, they are not revenue-producing, for the simple reason that they are in effect prohibitory. It may be accepted as absolutely certain that a substantial increase in revenue, perhaps sufficient to balance losses elsewhere, would flow from a readjustment of these prohibitory duties to a point which would permit wherever possible a reasonable volume of importation, and at the same time "equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries"—in accordance with the latest utterance of modern protection.

It is an interesting and instructive fact that political disaster has often followed quickly in the wake of a new tariff law, sweeping from the place of power the party responsible for it and terminating abruptly, for a season, if not forever, many promising careers.

These are some of the reasons which combine to make any new tariff programme unattractive, not to say extra hazardous to its sponsors. But there is an added terror. The party in power must shoulder all the responsibility for prevailing conditions, and prevailing conditions are unfavorably affected in a marked degree by agitation, much contemporary argument to the contrary notwithstanding. The mere doubt and uncertainty which obscure the immediate future are in themselves enough to halt industrial activity, and while they last business looks on paralyzed and helpless. The halt may be temporary, but the following recovery and readjustment are sometimes, for reasons not readily explained, exceedingly slow.

It is not surprising that political expediency would defer action upon such a vexed question as long as possible, and that party leaders look upon tariff revision as a kind of Pandora's box which they dread to open.

ALBERT H. WASHBURN.

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A PLEA FOR THE AMERICAN ARTIST.

BY ARTHUR HOEBER.

No work of art ever happened! It always has been and always will be the result of premeditation on the part of the artist. "How does he mix his paints?" a lady once asked Dr. Johnson, speaking of Sir Joshua Reynolds. "With brains, ma'am," replied that testy oracle. And he thereby covered the entire situation. It is with brains that the painter mixes his pigments, with brains that he conceives, executes and completes a picture; and every well-equipped set of brains has its own particular way of carrying this out!

It seems little short of the miraculous that a human being should be able, on a piece of paper, board or canvas, with a few pigments, to depict some phase of nature, some memory of color, form and texture, and so to evolve a beautiful, poetic rendering of the sky and earth, or the form of man or woman, to delight the eye, to soothe the soul, to evoke the higher and sublimer thoughts of his kind. It is strange that the ability to do this should depend on no environment or heredity, but that peasant and patrician alike should receive the unmistakable call to the arts. It is a call, too, that may not be denied, that holds one enthralled to the end. The pathway to fame is no easy road, for it contains more thorns than flowers, holds many discouragements, and few who enter it are crowned with success. It is a lonely road, too, beset with difficulties, with false lights and narrow turns, wherein it is easy to lose one's way, where there are heartaches and much unhappiness, with alternate hope and despair.

Who starts on the journey, however, seldom turns back, whether failure or success be the result. Among dramatic folk, they say, whoever brushes against the scenery of a theatre never gets the paint from off his clothes. So he who embarks on art is

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thereupon rendered unfit for any other career. In other professions a man is aided in his studies by various technical books of reference, by useful authorities, by precedent. In art, it is quite otherwise. He must, if he is to be an original painter, find his way all alone. He may look at pictures, but it is fatal to copy a master's manner. Put ten well-equipped painters before the same subject, landscape or the figure, and each will interpret it differently. Each result will bear little resemblance to the other in color or conception; and yet, of course, all will more or less suggest the original. In point of fact, no two men see color alike and no two express form alike, though the basic elements of form must be more or less identical. One has only to note, however, how the masters of art have their own individual manner of expressing themselves. So there enters immediately the question of personality, of temperament, of the quality of the individual which counts in art to so large an extent. For though the tools of the trade differ not at all, and though the entire range of the palette's pigments is at the disposition of any man, it is a question as to how they are used and mixed.

In the practice of painting, as in other professions, the master is a rarity. Training, curiously enough, does not produce him. The world is full of astonishingly clever and dexterous men, wizards with the brush and pencil, who yet never get beyond technical excellence. Others there are who have poems to give to the world, but whose halting, ineffectual methods result in hopeless failure. Men with noble ideas and grandiose sentiments, with adequate technical ability, have yet failed to reach the flights demanded by an exigent public—failed through reasons which are scarcely to be analyzed, but are nevertheless felt, reasons comprehensible, if not always definable. Yet another, clumsy of workmanship, uncertain mayhap of touch, but with the simplest of theme, will of a sudden strike the note that compels attention, that appeals with unmistakable force and that may not for a moment be misunderstood.

What, then, constitutes the master? Who shall say? There are singers whose training is faultless, whose voices are like perfect instruments, whose knowledge of all the technique of music is well-nigh complete, but whose rendering leaves you cold and unmoved; and there are others, full of imperfections, lacking

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much of the fundamentals, untrained, without experience, but who, at the first note, tug at your heart-strings, compel your appreciation, wring from you gratitude and sympathy. Yet one may not coldly and speculatively formulate specific reasons for all this. Contrary to all rules of logic, you are unconsciously drawn to the one, while you reject the other. And as with music, or acting, or oratory, so with pictures. It is, after all, simplicity that impresses. The personal element, counting so largely in music and acting, is equally potent in painting—this individual manner of seeing nature, of presenting color, form, light and shade, of handling pigment, of using, as it were, the tools of the trade. "Style," says Buffon, "is the man himself"; while, in one of his famous letters, Lord Chesterfield maintains that "style is the dress of thoughts." And while style is difficult to originate, it is easy of imitation. Perhaps I ought not to speak of "originating" style, since that would suggest one's directly seeking after a novelty of manner, whereas the thing really worth possessing comes, as it were, intuitively, with never a thought of its value as an artistic asset. It is part and parcel of the big man's equipment, his spontaneous way of giving out his thoughts, his natural manner of expression; and his work is frequently excellent rather in spite of it than because of it, curious as this may seem; since it is what he has to say, rather than how he says it, that is of greatest importance. Yet, when one has something to say, a pleasing mode of conveying the idea naturally emphasizes and enhances the statement.

I have said that there are many clever craftsmen among painters, as there are many unscrupulous men among art-dealers, and it is at this point that these come within the scope of our consideration. The average man is imitative, perhaps of necessity. As, more or less blindly, he follows the fashions in the adornment of his home, in the cut of his garments, in the manner of his living, what more natural than that he should let his taste in pictures be dictated by the prevailing mode? A certain painter is pronounced a master. His canvases are heralded abroad. His name carries weight, his signature possesses authority, and the prices for his pictures advance. When the painter dies and the source of supply is cut off, their value is still further increased. Incidentally the artist is no longer present to testify as to the genuineness of the work attributed to him.

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To have distinctive touch, to paint differently from the average artist, is an unusual gift. To imitate such a manner, however, is not difficult. To produce canvases superficially resembling the originals is well within the ability of many craftsmen. Go through any of the European museums, and you will see hosts of professional copyists dexterously reproducing the works of the masters and giving their copies the semblance of color, form and texture of the originals that renders detection almost impossible. Yet place these same limners before nature, and their results are likely to be most indifferent. Creative power alone is the gift divine. But be sure that if there is a great market for a certain commodity, men will meet its demand at whatever cost of honor or conscience.

Nor must the collector be adjudged an incompetent if he be deceived at times by false attributions. Doctors have not infrequently disagreed before now. The picture-forger is generally a most expert counterfeiter, giving careful and intelligent attention to his work, bringing to bear on his labors a deadly cunning, great experience and astonishing natural gifts. For the reward is financially very great, and the chance of detection, alas! most remote. Dead men tell no tales. It is hard to substantiate mere suspicion when there is no tangible evidence available, and it is sometimes only when thieves disagree that honest men come into their own. Of course there is a limit to the output of even the most fecund. The landscapist is a more generous producer than the figure-painter for obvious reasons, and his work is more easily counterfeited since the matter of drawing in figure is always a stumbling-block. Tree forms and landscape construction are more or less arbitrary, while the human figure demands certain definite treatment, a failure to conform to which at once arouses suspicion. The great Frenchman, Corot, has the questionable distinction of having been copied more than any other painter. Although he was nearly eighty when he died and had worked hard all his life, being most prolific as well, it is estimated that in America alone there are more canvases purporting to be by him than he could ever have executed had he lived one hundred years!

Other members of his group, known as the "Barbizon men," have received the serious attention of the forgers, for these "Men of Thirty," as they are also called, have been eagerly sought after

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in the auction-rooms and fabulous prices have been paid for their works. And these exorbitant figures, in many cases quite absurd and not justified by the excellence of the work, have of course been the incentive of the unscrupulous dealer. The modern Dutchmen, too, have been boomed in an exaggerated way by the reasonably honest but perforce gain-seeking dealer, though in truth one may not find fault with a merchant if his *clientèle* be willing to pay great sums. So the men from Holland are being largely imitated. The late Anton Mauve, who, during his life, found but modest appreciation for his capital work, has left a name that is conjured with, and mere sketches by him soar into the thousands. Could the forgers ask more? So false Mauves come into the market. Annually there come to New York, which is naturally the art entrance port of this nation, hundreds of imitation old masters, plausible in some cases, rank in others. And with these come genuine old canvases by men of the time, pupils, students, artists perhaps of the third and fourth rate, for the painters of the seventeenth and eighteenth centuries were nearly as numerous as the sands of the sea. These are sometimes fair in drawing, with color not only originally good, but now mellowed by age, which are offered as by the great men, and so accepted by many a buyer.

It is a curious circumstance that there are many men to whom ancientness in a canvas is its first claim to consideration; so it be old and mellow, so it be pretty nigh indistinct and of a composition of its time, its commercial possibilities are unlimited. That it be badly drawn and hopeless in anatomical construction are matters of little import. You argue that Raphael was at least a polished draughtsman, that Rubens knew his anatomy, that Watteau was the soul of fanciful grace and charm, but that in none of the examples offered as genuine are the particular qualities of these masters remotely manifest. Whereupon you are indignantly combated by *provenance,* by documentary evidence of all sorts, the owner having, in short, everything in his favor, all—save, unfortunately, the picture, which in its utter unconvincingness is worthless. Indeed, this alleged old-master craze is one of the most inexplicable and exasperating phases of collectorship as it is lugubrious, disheartening and tiresome. Of beauty, joyousness and charm the canvases contain rarely any trace. It is quite impossible to get at the point of view of the

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man who is thus content with ugly, not to say repulsive, travesties of the human form, or dismal landscapes far from conveying even remotely any sense of nature's lovely designs and glorious sparkle of color and life.

As a rule, to the layman who has given but little attention to art the literary or subject picture appeals at the first. He is attracted by the incident and by what he is pleased to call its "naturalness." It may lack all the essentials of good art, be deficient in draughtsmanship and of execrable color, and yet have the strong appeal of being "so natural." For men, alas!—average men, that is—do not observe with any degree of accuracy; and although they see the human figure every day and the landscape as well, they have little idea of the truths of either; they lack any sense of proportion. The same thing is manifest in the reporting of the most simple incidents of daily life, which are unconsciously misrepresented and facts ignored. And it must be the lack of inherent taste in the average American household that accounts for the wretched display in furnishing, in floor and wall coverings and pictures, that so often greets one. Yet there is an unfortunate moral cowardice that unhappily hampers our citizens. They will not frankly confess to a not unworthy ignorance of things artistic—an ignorance both excusable and quite natural. So many have been busy at other and more important things. The forefathers were occupied with the winning of a new land, with the upbuilding of a new Government, with solving economic problems, the most stupendous the world has ever known. So art quite naturally had but slight attention from them, and has not had until only recently with their descendants. It is only the pretension to understanding that is the stumbling-block, for the little knowledge is as dangerous in art as in other things. To be frankly humble, to confess ignorance and seek earnestly to gain some information, is to start intelligently in the quest of understanding. Art is long, but by serious study much may be learned regarding it. And, if serious study is out of the question, expert advice is always available. It is, after all, the painter whose judgment makes the reputation of the master, whose decision settles the reputation for all time. Nor dealer nor writer may prevail against his final decision. This is a fact to be remembered: it is the artist's estimate of his brother which counts.

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It is the current belief that the artist is a poor business man. I maintain the reverse to be true. It may be evidence of his bad judgment that he should, at the outset, have chosen so unremunerative a profession; but that being admitted, note how many manage to extract some sort of a livelihood out of the most commercially difficult of all careers. It requires no special ability to sell a man a picture if he wants it. But when the man does not want it—and few do—what splendid commercial endowment it betokens to make him exchange good coin of the realm for the work—and this is the problem that most artists face. Yet somehow they live and make that living by occasionally disposing of the most unmarketable products that are known in business circles! And your artist, albeit poor, is, as a rule, at least honest, generous, kindly, and in a large measure disinterested. It is to his welfare to advance the cause of his profession too. He delights in seeing good art recognized and encouraged. He is unfeignedly glad at the sale of worthy canvases. He is invariably happy and ready to give advice to the layman interested in art, and this without money and without price. Some of the great masterpieces owned in America are here because of unconditional commissions given by wealthy amateurs to American painters temporarily abroad. Your American artist does not demand that the collector should confine his purchases to native work. Far from it. He does ask that he should have an equal chance with the foreigner, that his work should be judged on its intrinsic merits, that a great European name to a meaningless canvas should not count as against a serious artistic production by himself. He does not believe that, alive, he should be ignored, neglected, ridiculed, but that, dead, his lightest scrap should be venerated and bought at absurd prices while he was denied, when on earth, the bare necessities of existence. Within a few years there was sold at auction, for nearly three thousand dollars, a mere unsigned sketch by a prominent American, a memento presented to a brother painter, who in turn gave it to a dealer as an inducement to effect the sale of one of his own paintings that he disposed of for less than one-sixth the amount the sketch finally brought, a sketch to which he did not attach any importance, but which, his fame having been enhanced, became an object for the competition of the collector, who might have had it for a song during the artist's lifetime.

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Among the men of reputation to-day, men whose standing is quite unquestioned, there are many whose advice may be had for the asking. These are men who know pictures too, whose business it is to know them, whose life study has fitted them to that end. Is a bridge to be built? Then is an engineer called in. If a musical instrument is to be purchased, what more valuable than the counsel of a musician, and when a deed is to be passed upon the services of a lawyer are called into requisition. But with a picture—ofttimes involving the expenditure of a modest fortune and not infrequently an immodest one—the otherwise astute business man depends upon his own judgment, scorning the one fitted by study, experience and natural ability to truly help him in the transaction with, alas! too frequently, the inevitable result. The disillusion is sure to come earlier or later, but invariably it comes. Sometimes the canvas is downright bad; often it is fraudulent. If the latter and the unscrupulous dealer refuses to refund, the heavy loss is pocketed in silence. It is humiliating to have one's asininity published broadcast in the daily press, and the buyer, disgusted with the effort, often retires from the pleasant and really profitable pastime of collecting. Or, if he fails to discover his error, hangs his picture on his walls and boasts of it, one hesitates to properly characterize the work, since no man is grateful for having doubt cast on his judgment. It is an awkward thing to criticise adversely a canvas in the home of either friend or stranger. So the owner becomes a laughing-stock for the visitor, and when, some day, his possessions come up at auction the true value is made publicly manifest, to the surprise, if not the grief, of his heirs.

But the ancients and the foreigners are not alone the objects of the counterfeiter's skill, for the American is likewise laid under tribute. The work of the great trio, Inness, Wyant and Martin, with Stuart and Copley at intervals, among the dead and gone, as well as some of the men still living, is being forged and finds purchasers. It has been intimated earlier in this paper that such imitations are not very difficult. Almost any well-equipped artist can make a reasonably good copy, while there are some painters with a special aptitude for copying, men quite incapable of fine original work, curiously enough. With such a craftsman, an unscrupulous dealer and a complacent patron, the conditions for the placing of a spurious canvas are

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ideal. Yet the studios are full of young men pursuing their profession with enthusiasm, turning out annually attractive, handsome canvases that will fetch some day enormous prices, but which for the present are unrecognized, go begging for patrons, and are turned to the wall in sheer desperation. There are men of ability, and even position, in the art-world, whose yearly incomes are pitiful, less than that of the artisan, men who, despite their admirable work, have the greatest difficulty in disposing of their output.

We have annual picture-shows of surpassing excellence throughout the country — those of the Pennsylvania Academy at Philadelphia, the Carnegie Institution in Pittsburg, the Ten Americans in New York—not to mention the Academy of Design, the Buffalo Academy of Fine Arts and the Worcester Museum in Massachusetts, with others such as that last year at the Corcoran Art Gallery, in Washington. These exhibitions of modern art not only reflect the greatest credit on native art, but in sober truth are not excelled anywhere in the world. But of the sales thereat? Ah, the pity of it! They are discouragingly small, so infrequent as to make the artists hesitate about exhibiting at all, for there are broken frames to be considered, often trouble and expense. Indeed, the man who gains even a respectable livelihood by disposing of easel alone pictures is a rarity. He teaches, illustrates, designs, does all sorts of odds and ends of work to make both ends meet. Why this apathy toward American paintings on the part of the American public? What is the remedy? Both questions are difficult to answer, the latter particularly so.

In France, England and Germany they are loyal to their painters. We Americans—perhaps because we are such a mixed race and so preoccupied with the material side of affairs—are much less so. While the native does not demand patronage on the score of patriotism he does ask at least, all things being equal, that he shall have a living chance with his foreign competitor. An indifferent example by a European is not as worthy as a good work by an American. This, of course, is obvious, but not always recognized. They put a tariff on European art—quite against the desires of the American painter; but they insist on buying the canvases of the foreigner, duty and all, to the neglect of better men on this side of the water. Merchants who

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maintain stoutly the excellence of their own native goods, as soon as they make their fortunes, rush blindly to the purchase of foreign pictures. It is admitted that, as a rule, the prophet is without honor in his own country, but it is surely a stupid rule, better in the breach than in the observance. I have said elsewhere that it were well for the collector to meet the painter and cultivate his society, to frequent his studio and see his work under way. Generally the artist is a man well equipped mentally. He may suggest at times a certain overconfidence; but, after all, it is a pardonable weakness, due possibly to the necessary concentration in his work. It may be recalled that the first important, as well as the greatest general, sale of American work — the Thomas B. Clarke collection — disclosed a notable gathering of pictures that was the result in almost every case of purchase direct from the artist. There was scarce a picture that was not thus acquired with no little satisfaction both to the owner and the painter. Happily and for this reason there came up no disturbing question of originality, while as a cold, commercial proposition the result showed a handsome profit.

After all, pictures are not such an extravagant luxury. If one buys with discretion, if one will exercise a little foresight or seek competent advice, excellent canvases may be had for very modest sums, and a commendable work on the wall does much to beautify the home, adds largely to the decoration of the house and evinces taste on the part of the occupant. A little economy here, some self-denial now and then, and the sum is readily available. If not oil-paintings, the water-color is at least possible, or the etching—anything rather than the deadly commonplaces that, as a rule, encumber wall space. But to buy of the artist alive and among us, to acquire a wholesome pictorial representation of one's own country painted by a contemporary, to encourage and foster talent at our doors and thus help thoroughly to establish our own painters who are laboring sincerely, who have to-day, despite disheartening conditions, advanced the cause of art and reflected credit on their race, all this is at least worthy of serious consideration and reflection.

ARTHUR HOEBER.

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THE RELIGIO-MEDICAL MOVEMENTS.

BY ALLAN McLANE HAMILTON.

THE rocky soil of New England has always in one way been fertile, in its capacity to bring forth new and more or less fantastic religions. With a utilitarian purpose, their sponsors have professed to provide material aid for the body as well as spiritual help for the soul, and in one or two instances social attractions have been added to the mixture.

The ceaseless mental activity so characteristic of the people of that part of the country, and which seemingly cannot secure sufficient exercise in the ordinary affairs of life, finds a convenient outlet in the study of metaphysics and occultism and all that goes with them. Among the scholarly, the celebrated Concord School of Philosophy became for a time an important feature of this restless intellectual life, while many of the less intelligent but equally active have prated learnedly of hypnotism, electro-biology, telepathy, spiritism, the influence of the mind over the body, unconscious cerebration, the dual ego and similar things—*ad infinitum*.

For many decades, the learned and conservative physicians of that locality, than whom there are none better, have had their time occupied in exploding popular delusions, fighting quacks and repairing damages, but there is always something in the air responsible for the perpetual agitation in regard to these things. There, as elsewhere, the churches have admittedly been losing control of the community. The stiff high-backed and very hard wooden pews, the cheerless frost-glass windows, the somnolent double bass and buzzing tuning-fork of other days, have been superseded by seats with the softest of cushions; while the worshippers have been flooded with light from the most beautiful of stained glass, and treated to music from the throats of highly

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paid *cantatrices*. In spite of these concessions to the demands of æsthetic taste, the attendance has waned and disaster has appeared imminent.

While this is attributable to well-known causes, much of it, in Boston at least, is due to the rivalry of an important and powerful body of seceders, known as Christian Scientists, whose managers have provided an agreeable religion, not only free from Calvinism, but full of attractive diversions to be indulged in without much mental fatigue and a diminution in doctors' bills.

The rapid increase in the Christian Science church is remarkable indeed. In Boston alone, in June, 1904, the total membership was 13,534, and in 1907, 43,876.

No wonder that consternation existed among all those who felt the opposition of this powerful sect, and no wonder that they looked about for some new species of attraction. Free baths, free lectures and other recreation did not seem to invite the stray sheep back to the fold, so, with the help of a few Boston physicians of a metaphysical and experimental turn of mind, it was determined to make a new departure and to combine medicine with religion; hence the establishment of "The Emmanuel Movement," which is called after the church of that name.

According to its protagonist, the Rev. Mr. Worcester, its mission is to treat what he calls "functional diseases," as distinguished from organic diseases; but it would appear that the ideas of the Doctor and his followers are somewhat hazy as to what head the disorders of his patients fall under. In the beginning it was announced that certain physicians, who were supposed to approve of the movement, were to pass judgment upon the suitability of cases for this special treatment, but there seems to be much confusion about even this. In a popular periodical for women appears an article from the pen of Dr. Worcester, in which he enumerates the diseases that have been treated by himself and his friends. Among these are Arterio-Sclerosis, a gradual and permanent hardening of the arteries; Dementia Præcox, a chronic degenerative form of insanity; Exophthalmic Goitre, a disease of the thyroid gland; Hemiplegia, a one-sided paralysis, usually due to a brain lesion; Locomotor Ataxia, a disease of the posterior columns of the spinal cord; and "Kidney Affection"

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(whatever that may mean), usually an inflammation of the kidney itself; Manic Depressive Insanity, a chronic psychosis due to defects in heredity; Osteo-arthritis, in reality a rheumatic joint affection, but in Boston a disease of plaintiffs who use it to mulct the railroads for alleged personal injuries; Paranoia, an incurable insanity due to a congenital defect; Polio-myelitis, a deep-seated organic disease of the spinal cord attended with degeneration of the trophic cells, believed to be due to endemic poison; Lateral Sclerosis, a distinctively destructive condition of the cord; and Tumor! . . .

Could anything be more preposterous than this? The leaders of this movement must be unpardonably ignorant, and if their medical advisers are parties to such claims, which I can hardly believe because of their reputation, they should be taken to task by their regular Medical Societies, if cures are promised through any psychic treatment.

Besides these well-known affections, a number of other disorders have been treated, most of which offer little encouragement to the clerical practitioner, although the influence of suggestion and persuasion in selected cases, if used by qualified medical men, may be of some avail.

While the claims of the Christian Scientist are hardly more extravagant than those of the Emmanuelist, the faults of the former are chiefly sins of omission, and such evil results as occur are, as a rule, due to the neglect of some fanatical believer. Christian Science is intermingled religious belief and therapy of the mildest and most innocuous kind. In fact, its ethical teachings are to be commended, for they are directed to cultivate unselfishness, self-reliance and a certain amount of altruism. If we are right, the *motif* of the Emmanuel Movement, on the other hand, simply consists in the fact that there are a certain number of clergymen who become amateur doctors, their particular religion not forming the basis for any therapeutic plan, and they meddle with things of which they naturally know but little and injure themselves in their own calling at the same time. It is stated by them, however, that, after they have accomplished their psychic cure, they fill the mind of the patient with "beautiful thoughts"; to this extent they resume the pastoral rôle. Like the Christian Scientists, they are said to cultivate cheerfulness and to provide recreation. However, this

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is nothing more than is done in England and elsewhere by those who have gatherings at the Church Houses and who are not "healers"; and, though it is a practice in every way commendable, it is but a routine feature of religious work.

The pertinent difference between the two sects is that the treatment used by the Emmanuelists is in a measure exceedingly pernicious and dangerous in unskilled hands, and this refers especially to the utilization of hypnotism and suggestion. In this connection attention may be called to the activity of the medical coadjutors of Dr. Worcester, who have in this country been active with others in the investigations in that field of abnormal psychology which has been exploited by Janét, Richét, Forel, Bleuler, Jung, Freud and others. The trend of this work has led to the investigation of very many curious mental states, and the capacity of individuals to respond to association tests—that is, to measures used to determine the activity of ideation, the relation of concepts to others and the emotional coloring attached thereto. In fact, many mental problems that up to a few years ago were very vaguely understood are now in a measure determined by instruments of precision, and by certain word tests; but we are far from safe ground in the confident application of any of these things to the treatment of disease. We, however, know that there are a large number of unstable individuals, usually with hereditary defects, who are known as "psychopaths." The mental make-up of all of them is unsound; their very development is defective; they are emotional and intellectually eccentric, and those who are seen by physicians, should their cases be bad enough, are sent to asylums. Some are criminal, some drunkards and many manifest evidences of deep-rooted moral degeneration. They constitute the "unfit," and they are as likely as not to seek the Emmanuelist. Should they develop organic disease, there is little doubt that their make-up would in a way influence the manifestation of special symptoms, but it is doubtful if any amelioration of such idiosyncrasies would really affect the serious underlying morbid processes. Some of them are influenced to a degree by hypnotism; others by suggestion or persuasion, and it is the experience of those best informed that any change wrought by what is known as psychotherapy is a comparatively temporary one. When, therefore, we find it claimed that a patient with Manic-depressive insanity was practically cured while

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in attendance at a church meeting, we know that such a cure could not last, although there may be a remission that might follow any other equally potent non-religious impression, though even this is doubtful.

Just now the entire country seems to be in a state of erethism which leads it to adopt any new and dramatic therapeutic movement, no matter how illogical. The crowd is always liable to respond to appeals to subjective weaknesses, especially to that which has done the most in the way of emotional stimulation, and which appeals in a minimum degree to the proper exercise of healthy judgment. In regard to the present agitation, Dr. C. K. Mills says: "A wave of increasing interest in psychic medicine appears to be passing over our country; an old, old story being repeated by new *raconteurs;* an old, old subject is presented in a garb not entirely new, but with new trimmings and adornments."* Professor William James, the patron of Mrs. Piper, becoming enthusiastic, sententiously says that it is analogous to the spread of "early Christianity, Buddhism and Mohammedanism." While it cannot justly be dignified in this way, we certainly are again passing through a quasi-religious epidemic which is largely fostered by that sort of credulous misrepresentation which has at all times been inseparable from false teaching and unscientific practice. In this connection attention may be called to what is almost an exhibition of moral obliquity, and which consists in deliberate falsification, morbid hallucinations of memory and other forms of misinterpretation indulged in by otherwise honorable and decent people, who wilfully exaggerate when they describe their own condition, and who are always in evidence at such times.

The leaders of the Emmanuelist movement evidently aim at symptomatic treatment, although they do not balk, as has been shown, at structural disease. Pain, insomnia and other like conditions seem to be their therapeutical objects; but it is evident that they are not aware that such symptoms are often due to a variety of morbid processes of the most diverse character, which only yield to specific remedies or to the knife of the surgeon.

The object of the Emmanuelist is the cure of disease by hypnotism, suggestion without hypnosis; or by the use of educational or reasoning methods. It is easily seen how disreputable a meth-

* "Monthly Cyclopædia Medical Bulletin," July, 1908.

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od this may become in the hands of designing persons, or how the Emmanuelist may unconsciously play into the hands of a scheming doctor of quackish methods, who may "prepare" the patient for the ministrations of the clergyman, making the excuse that he is not quite ready for the clerical treatment proper —until he has extracted a fat fee.

All writers upon Psychiatry are united in the belief that hypnotism is harmful if not dangerous in the hands of unexperienced persons, not only by inducing an instability which makes the subject susceptible to the slightest suggestive influence, but by causing new disease.

Regis, in speaking of the influence of suggestion in mental disease, says: "Its action on the psychoses is much more questionable *a priori*. It is logical to think that an agent of this kind, capable of modifying the ideas, the feelings, and even the personality of an individual, might be able to construct what he has undone—that is, to call back the ideas to their normal condition, and the feelings and personality to the one who has lost them. Unfortunately experience has given only a negative answer up to the present, at least in the majority of cases." De Fursac says: "Constitutional psychopaths derive but little benefit from hypnotism."

Kirchhoff says: "Although favorable results from the employment of hypnosis in the treatment of psychical affections have been reported, the condition is still so obscure that we cannot yet recommend it to the practical physician."

Every one who has watched the use of hypnotism and suggestion, especially in America, will find nothing new in the claims of the Emmanuelists. In fact, since the communication of Mesmer to the French Academy in 1775, it has been the resource of charlatans and itinerant dentists, and has been utilized in many ways for proper as well as disreputable purposes.*

Passing over its early history in this country, which goes back to the first quarter of the last century, we find that it was advocated in 1845 by Miss Harriet Martineau, who, in association with a hypnotic practitioner named Spencer Hall, employed it in a variety of diseases, and in her "Letters on Mesmerism"†

* It should be unnecessary to refer to its very ancient origin or to its production by crystal-gazing among the Egyptians.

† "Letters on Mesmerism." Harper & Brothers, 1845, p. 27.

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relates her own experience as an invalid. She says: "The principle of life itself, that principle which is antagonistic to disease, appears to be fortified by the mesmeric influence, and thus far we may account for the mesmerism being not specific, but successful through the widest range of diseases that are not hereditary or have been caused by disorganization. No mistake about mesmerism is more prevalent than the supposition that it can avail only in nervous diseases." Here we find the possible inspiration of the Emmanuelists. From time to time it has been investigated by various physicians and, for adequate reasons, has been abandoned. Dr. C. K. Mills, the able Philadelphia neurologist, discarded it twenty-seven years ago, and says: "There is not only little to be gained of permanent value by its use, but it may be the means of doing no inconsiderable harm, although, in proper hands, it has a field of usefulness. At the best, however, hypnotism is only a method of making a life altogether intolerable a little more tolerable. . . . The temporary ailments or conditions are relieved, but the degeneracy and neuropathy remain."

My own observation has made me fully aware of the dangers of its indiscriminate use, especially when psychopathic individuals are the subject of control. This is particularly true in regard to the callow persons who assist in public exhibitions. Several of these individuals who have followed professional mesmerists from one part of the country to another have been under my charge, and certainly they have shown the dangers of repeated inductions of hypnosis. That this proceeding is responsible for the production of hystero-epilepsy is a fact, and there are many mild psychoses which have become aggravated, often ending in incurable psychasthenias.*

It is often the object of the hypnotist to induce negative hallucinations for the purpose of assuring the patient that he has no disease, but the induction of such distraction is merely temporary, and, as a rule, the patient again appreciates his condition when consciousness is fully restored. It requires more than the efforts of the amateur hypnotist to keep up any protracted delusion of this kind, and he certainly is not able to select the cases where his ministrations are required.

* Although I publicly advocated its use *by physicians* many years ago I have not employed it since 1895, except for diagnostic purposes.

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Perhaps one of the greatest dangers in hypnotic treatment by amateurs is the effect upon the sexual nature of the subject.

Nowadays, except for experimental purposes, physicians are loath to use hypnotism, unless perfect safeguards be employed. The sexual instability of certain neurotic women is such that, if this dangerous weapon is placed in the hands of the inexperienced or unworthy, all manner of dreadful possibilities are presented, and the Emmanuelists will be lucky if they escape the lawsuits which are so often brought against the dentists, for example, by the immoral or hysterical. The same statement applies to confessions by psychopathic females, who are more or less irresponsible by reason of an artificially altered ego.

To those of us who have studied the well-known cases reported by Charcot and his followers at La Salpêtrière, there is something that is almost uncanny, and much that is repulsive, about the mixture of religious and sexual symptoms shown by these persons when hypnotized, and such a dangerous method of operation should not be trusted to any non-medical tyro on any pretext whatever. This statement may appear strong, but it is a legitimate warning. When one of the high priests of Emmanuelism, Dr. McComb, is said to have stated in the Trinity Church parish house in Buffalo that ninety per cent. of the people can be hypnotized, it is reasonable to suppose that the reverend gentleman had had experience. Dr. James W. Putnam of that city, a physician of years of experience, is said to have replied: "If ninety per cent. of the people can be hypnotized, then I would say ninety per cent. of the people should never be hypnotized."

The writer is familiar with numerous cases where serious results followed hypnotic suggestion in those of the insane temperament, the underlying condition being such as to escape the notice of the ordinary person. One of these was a young man in a Southern State, who had, in an amateur way, studied hypnotic phenomena, and who entertained the delusion that his local physician was seeking to compass his ruin by attempts at hypnotism. In a short time, he developed an active form of delusional insanity, leaving his home and hiding himself lest he should be subjected to the imaginary far-reaching influence of his physician. He came to New York to consult me and, in spite of all advice, his conduct remained the same, and he returned for the

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purpose of shooting the doctor and destroying his machinations. He was subsequently sent to an asylum, where he now is.

The indiscriminate use of hypnotism and the spread of an epidemic among the *déséquilibres,* the name by which the neurasthenics among the hereditarily predisposed are known, is likely to be followed by actual mental disorder. Every popular religious movement is known to be attended by an increased number of admissions to the asylums, and every physician is familiar with the disorderly acts of those who have undergone religious exaltation or depression, or who have been subjected to any "insult" to their unstable organizations. The older English writers described "medio-mania," which was the psychosis developing among the followers of spiritualism and other cults, and the disease known as *dementia præcox* is a likely sequence of such a cause. The use of suggestion without hypnosis, and reasoning methods, while less injurious, may, in good hands, effect a certain amelioration in a limited number of individuals.

Dubois, whose book is popular, has been successful with patients where there is no very strong neuropathic predisposition, although I have had under my care a curious case of *dementia præcox,* who, though better for a time, later became the inmate of an asylum, and, while full of picturesque delusions, detailed to me the methods employed by Dubois in her case at the time she was with him in Europe and was supposed to be cured.

In all this agitation it would almost appear as if the intelligent physician had never made any use of psychotherapy, but that he was a mechanical giver of drugs and took little or no interest in his patients. On the contrary, the well-equipped medical man is alive to every exigency, and if the new critics of the regular medical profession, who have been so active of late, would take the trouble to investigate, they would find among the many great and successful men of all times, and of to-day, that the human side is very strongly developed, and that their patients are studied from every point of view and treated accordingly. As Mills says: "This is not a new plan of curing or attempting to cure the sick. It has existed wherever good physicians have used their mental powers for their fellows. The doctor of the town or of the cross-roads is one well fitted for his vocation and has successfully exercised this art of persuasion, as he has also that of appealing to blind faith." It is probable that this, as

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well as other fads and illegitimate forms of treatment, would not get a following were it not for the yearning for the novel and the mysterious, and again because of the ignorance and the want of care of a comparatively small number of regular physicians, whose mistakes are quickly taken advantage of by the vast horde of irregular and sensational practitioners.

When it is found necessary to abandon an appeal to reason, and the reconciliation of religion and science, and to rely upon the undue stimulation of the emotions as the means of holding religious bodies together, something must be wrong, for this is the basis of all erratic religions and the starting-point of every religious epidemic. If new movements are necessary, why should they not be in another direction and carried on in a way for which the clergyman is better equipped—say, in the cultivation of altruistic development? The example of the Buddhist priests, who teach their followers civic pride, and who direct the energy of the community in ways which conduce to the good of all, is far preferable to the adoption of these most questionable practices. Meanwhile, by the disloyal and thoughtless ones the old family physician is neglected and forgotten. It is he who has brought the children and grandchildren into the world, and whose timely and sensible advice has for years averted impending trouble, united divided families and prevented disgrace. His faithful watchfulness and alertness have warded off the incursions of disease from without, and, finally, the inevitable exit has through his ministrations been a painless and happy one. This does not seem to count in these unquiet days. The dramatic adjurations and reiterations of the peripatetic doctor-cleric have far more influence with some than his conservative and simple methods, which, however, always win in the end. Obsessed by the emphatic assurances of the mind-healers, they declare with Mr. Dooley: "I belave anything at all if ye tell it to me aften enough." "Repetition," says Davenport, "is one of the surest means of getting an idea firmly into the mind of a crowd, as well as of the child or of the savage."*

ALLAN MCLANE HAMILTON.

* "Primitive Traits in Religious Revivals." New York: Macmillan, 1906, p. 29.

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THE RULES OF THE HOUSE OF REPRESENTATIVES.

BY A. P. GARDNER.

RIGHTLY or wrongly, the idea has gone abroad in the United States that legislation, so far as the House of Representatives is concerned, is left entirely in the hands of the Speaker. While many people may not adopt this extreme view, there is at all events a well-defined impression that the order of business is so much in the Speaker's hands that it is an easy matter for him, when he so desires, to smother important measures or leave them pending on the calendar at the expiration of a Congress.

Of those who defend the present Rules of the House, some deny absolutely that the Speaker possesses any such autocratic power, and others, while admitting its existence, maintain that it is just and right that the chosen representative of the majority party should be clothed with it.

Obviously, these two contradictory positions cannot be disposed of in the same breath. The first step must be to establish the facts. Before making up his mind on this question, the average man desires a clear showing as to whether or not the Speaker does in fact possess such transcendent authority, and, if so, he asks for an exposition of the customs or rules which accord it to him. In explaining the situation to the layman, it is needless to trace the course of a bill through all its stages, but a clear understanding is impossible unless four cardinal principles are thoroughly grasped. The seeker for the truth must know and understand, first, how a bill gets before a Committee; second, how a bill gets out of Committee; third, how a bill reported by a Committee gets before the House for consideration and action; and, fourth, the function that parliamentary "privilege" performs in determining the order of business of the House.

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Any member may introduce a bill or resolution. This is done by placing it in the basket on the Clerk's desk, from which it must be taken immediately and referred to the appropriate Committee. If that Committee so desire, the matter may remain undisturbed, without receiving the slightest consideration, until the expiration of the Congress. An exception to this rule is made in the case of Resolutions of Inquiry addressed to the heads of executive departments. Such resolutions must be reported back to the House from Committee within one week, or else they become privileged under the Rules.

An exact definition of the parliamentary meaning of the word "privilege" cannot easily be given. It is sufficient, however, to bear in mind that the Rules or the customs of the House accord this quality to certain specified classes of questions, and that matters so endowed take precedence of everything else except other business with which Rule or custom invests an equal or higher privilege.

When any question is privileged for consideration, it may be called before the House for action at any time. Every other matter must give way, except such as are equally or more highly favored. It must be borne in mind, however, that only a very small percentage of the bills introduced are entitled to precedence of any sort. In fact, most of the important bills of general public interest are entirely unprivileged under the present Rules.

Further on in this article the practical effect of privileged questions will be shown.

Returning to the history of the progress of an unprivileged measure, let us suppose that the bill or resolution which has been introduced and referred to a Committee is of such merit or importance that it cannot summarily be relegated to oblivion. On the contrary, perhaps, it is carefully considered by the Committee and then reported favorably to the House. In that case, it goes on to the calendar of matters awaiting action and takes its place with other reported measures listed in the order in which they have come back from the various Committees. There it awaits its turn for consideration, if, by any chance, this turn should ever arrive before the expiration of the Congress.

Under the Rules, the sixth and seventh order of business for each day provides a time when Committees, and in some cases individuals, may call reported bills off the calendar for discussion

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and action by the House. Perhaps it might seem as if this arrangement of the order of business should give ample opportunity for a determined Committee sooner or later to bring any bill on the calendar before the House for action. No matter how contentious in its nature it might be, no matter how badly placed on the list and no matter how little it might appeal to the Speaker or his Committee on Rules, at first sight it would seem as if any reported measure could be reached. Such is not the case, however. As a matter of fact, every day is so taken up with other affairs that the sixth order of business is scarcely ever touched, except occasionally at the beginning of a session of Congress. Until this present session, many years have elapsed since the seventh order of business was ever reached at all, except in one sole instance when a short time was devoted to a comparatively unimportant bill.

Under these circumstances, it is very easy to see that an unprivileged bill, reported back from a Committee after Congress is once well under way, is certain to be placed so far down on the calendar as to make it impossible to reach it unless special means are provided either by the Speaker or by the Committee on Rules. In the nature of things, every highly contentious measure is sure to have enemies on the Committee to which it is referred. It is by no means difficult, even for a single determined committeeman, by calling for hearings or by other legitimate demands for delay, to postpone a report on any bill until a time so far advanced in the session that its place on the calendar is bound to be a very poor one.

A question naturally arises in the public mind as to what manner of business it is which so takes up the time of the House that it is impossible to reach important reports resting on the calendar awaiting recognition. "Why is it," asks the average man, "that the sixth order of business is, with very rare exceptions, only reached at the beginning of each session?" The answer is found in the fact that the daily meetings of the House are taken up by routine business, by the consideration of conference reports relative to differences between the House and the Senate, and by the endless discussion, germane or not germane, of the thirteen or more different appropriation bills which must be passed in every session. From time to time, moreover, Special Orders or Rules are reported from the Committee on Rules providing

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for action on measures which meet with its approval. Generally these Rules are so worded as to afford but limited debate on the bills in question and little, if any, opportunity is given for substantial amendment. In addition to the varieties of business just enumerated, a limited number of days in each month are devoted to the affairs of the District of Columbia, to private matters such as pension bills and claims, and to the passage under Suspension of the Rules of certain bills previously approved by the Speaker.

It is now necessary to note the part played by so-called privileged measures in obstructing the path of other important legislation. The rules provide that certain bills shall enjoy especial privilege, which, as has been shown, means that they may be brought up for consideration at any time in or out of their regular turn. The most important classes of measures to which this privilege is accorded are appropriation bills and revenue bills. It is evident, therefore, that as soon as the first appropriation bill of the session is reported out of the Committee it may at once be brought before the House for consideration, and the time very readily may be spun out in debate and amendment until another appropriation bill is ready to take its place. After a session is well under way, it is usually the case that there are at least two appropriation bills ready to report or awaiting action at the same time, so that the opportunity of reaching bills to which privilege is not given becomes absolutely visionary, unless the Committee on Rules or the Speaker lends a hand.

It sometimes happens, as was the case at the end of the first session of the last Congress, that all appropriation bills have passed the House and yet time remains for further work. Obviously, this would seem to be an opportune moment to go to the calendar and call up for consideration some measure of importance patiently awaiting the action of the House. On the occasion alluded to, however, there was found on the calendar a convenient bill which in some way affected the raising of revenue and was therefore entitled to the highest privilege. To be sure, it only referred to the consolidation of a few small custom-houses, but that was enough to give it precedence; so it was called up and the few hours of the session remaining were exhausted in its nominal consideration. Yet there does not seem to have been any effort made to pass that bill either then or since.

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Often, of course, there are to be found in disadvantageous positions on the calendar certain unprivileged measures which the Speaker himself believes that the House ought to consider. Just as is the case with similarly placed bills of which he disapproves, they cannot be reached under the regular Rules. Sometimes such bills are passed under Suspension of the Rules; but often it is easy to foresee that the two-thirds vote necessary for Suspension cannot be obtained. When a situation of this kind arises, recourse is usually had to the Committee on Rules, which reports a Special Order or Rule providing for the prompt consideration of the measure desired. Frequently, as has been pointed out, these Special Orders are so narrowly drawn as to permit but little debate and practically no amendment. A case in point, which shows the one-sidedness of this system, occurred towards the end of the session in 1906. The Immigration Bill could not be reached in the ordinary course of business. It was a long and complicated measure consisting of forty-one sections, and should have been allowed full discussion with ample opportunity for amendment. The Committee on Rules, however, brought in a Special Rule providing for its immediate consideration, permitting no debate at all on thirty-nine of its sections and permitting no amendment except to two of them. Moreover, the Order was so drawn that a separate Yea and Nay vote could not be had on any of the bill's important features.

No one denies the extreme difficulty of reaching any measure to which the Speaker is opposed; but in a recent publication Mr. Asher C. Hinds, the parliamentarian of the House of Representatives, maintains that, though difficult, it is possible to do so. He points out the fact that it is always possible for a majority to vote down the question of consideration of appropriation bills, and then to vote down the consideration of all intermediate business until the desired bill is reached. He calls attention to the fact that this step has been successfully undertaken in the past and, indeed, such is the case; but, so far as a fairly exhaustive search shows, the last time such a thing occurred was over a decade ago. The occurrence took place during the contest over the Hawaiian Bill. It is true that Mr. Speaker Reed was opposed to that measure, and it is true that in spite of his opposition it was brought up before the House; but a consultation of the records at once reveals the fact that neither he

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nor his appointees, the Committee on Rules, by any means attempted to exhaust the parliamentary means at their disposal to stave off the undesired consideration of the bill. At most, so ancient an exception only proves the rule.

But the procedure suggested by Mr. Hinds is not practicable. No matter how anxious members may be to reach a given bill of public importance, they will hesitate a long time before taking the serious step of refusing to consider one of the great supply bills of the Government. Even if they brought themselves to take this drastic course, it is more than likely that some other important bills would intervene before the one which they sought could be reached. To vote against the consideration of a meritorious bill, even for the purpose of reaching a highly important measure, would put them on the defensive before their constituents. The situation would require continual explanation before it could be understood, and their action would be misrepresented and misconstrued. Moreover, many a member who represents a district which is politically close likes nothing better than an opportunity to substitute a non-contentious bill for a contentious one. When occasion serves, such a man usually can be counted on to vote for the consideration of an appropriation bill, if by so doing he can indefinitely postpone a bill on which his constituents disagree.

Even if it were true, as maintained by Mr. Hinds, that a majority of the House of Representatives can at any time reach any bill on the calendar by voting down the consideration of intervening bills, nevertheless that by no means proves his case. It is an absurdity to say that the proper way to test the House as to its desire for the consideration of a given measure is by taking a vote on the question of consideration of some other measure or series of other measures. The proper way to defeat a bill is by a majority vote on the bill itself and not by a majority vote on some other bill.

That a majority of the House sometimes wishes to avoid meeting disagreeable questions, and therefore desires to conceal its attitude from its constituents by voting to consider other legislation, is perhaps true and is certainly most natural. It is, nevertheless, extremely doubtful whether the rules should be so drawn as to aid members in their efforts towards evasion. Men are not sent to Washington to conceal their attitude on public questions,

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but to reveal them when the proper time comes. They are not in Congress to act as individuals, but rather as representatives. It ought to be beyond dispute that if any considerable part of the people of the United States desires the enactment of a measure, such measure is at least entitled to its public day in court, and its consideration should not be denied merely because Congressmen may be timorous as to their individual futures.

Yet there can be no manner of doubt that the suppression of many a bill is due rather to the timidity of Congressmen than to any rooted objection on the part of the Speaker. He, to be sure, shoulders all the blame, as indeed he should, for on him rests the responsibility of decision. Nevertheless, it is an open secret that many a member who favors a measure and, if necessary, would vote for it, privately expresses to the Speaker his hope that it will not be brought up for action. Two cases in point are the Immigration Bill of 1906 and the Littlefield Bill relative to the transportation of liquor. Many a member was well aware that he would offend constituents, no matter which way he voted on those measures.

With the exception of the Committee on Rules, most of the Committees of the House are large, being composed of from fifteen to eighteen members or thereabouts. The Committee on Rules, however, consists of but five members, of which the Speaker is one. The other four places are equally divided between the two parties; but it has always been the custom for the three representatives of the majority to act as a unit. It has generally been held that the large Committees represent in a rough fashion the sentiment of the House, whereas the Committee on Rules has usually been supposed to reflect the views of the Speaker and to act at his suggestion.

Inasmuch as the members of all Committees are appointed by the Speaker, obviously there is lodged in his hands a great power of control, not only over the action of Committees, but also over the individual action of members of the House. This fact has of late years given rise to a feeling that the time has come to make a beginning looking towards the divorce of the legislative from the judicial power of the Speaker; in other words, towards divesting him of all indirect means for controlling legislation, leaving in his hands only the same power which is wielded by the Speaker of the House of Commons in

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Great Britain. As every one knows, the Speaker of the House of Commons is purely a presiding officer; his decisions are not in the least guided by party considerations, nor does he have any extraneous power which enables him to direct legislation.

To deny to the Speaker of the House of Representatives the power of appointing Committees, for that is the necessary meaning of such a proposition as has just been suggested, would be in accordance with the practice prevailing in European parliamentary bodies. With the exception of the Bundesrath, the Upper House of the German Parliament, and with the possible exception of the Parliaments of Russia and Turkey, all representative chambers in Europe either directly or indirectly select their own Committees. The military and marine Committees of the Bundesrath are nominated by the Emperor, while in Russia and Turkey parliamentary practice is so much in its infancy that no positive statement regarding them can be made.

Among the many necessary reforms in the Rules of the House of Representatives, there is one which stands out as pre-eminent. An ample and definite time should be set apart for action on important measures, not at present classed as privileged, whether they meet with the approval of the Speaker or not. Any schedule of reform which does not include such a provision is visionary and destined to failure in practice.

Although no one has as yet suggested that the right to criticise and the right to defeat a measure should be taken away from ordinary Congressmen, yet many people honestly believe that the chief function of a member should be to serve as a component part of a sort of electoral college for the choice of Speaker, that the Speaker so chosen should appoint a small Committee on Rules and with them should lay out at the beginning of each session the whole programme of legislation to be enacted. Persons possessed of such views are fond of referring to the example of the House of Commons, over which unquestionably the Treasury Bench has complete power. The British Ministry is clothed with the entire responsibility of selecting at each session the measures which are to pass, as well as the measures which are not to be considered. It is often forgotten, however, that the Treasury Bench or Ministry, as it is officially termed, must at all times and in all respects satisfy a majority of the chamber or else resign. With resignation always suspended overhead like the

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sword of Damocles, it is obvious that no efforts will be spared to satisfy the members who constitute the majority.

In contrast to the situation of the Treasury Bench, the Committee on Rules of the House of Representatives is not obliged on penalty of resignation to satisfy the majority on each occasion, nor is it in any way responsible to the House except indirectly once in every two years. Even then, it is responsible only in a secondary degree, inasmuch as the House does not name the members of this Committee, but merely selects a Speaker who may or may not reappoint them.

It is often forgotten that the Ministry of Great Britain is responsible to Parliament for measures which it fails to include in its legislative list nearly as distinctly as for measures which it brings forward. At the beginning of each session, proceedings are introduced by the King's Speech, which is supposed to foreshadow the programme of the Ministry. If this programme omits to make mention of some measure which the Commons think should properly be included, an attempt is made to include it by an amendment to the address of the House in reply. In case a substantial amendment is adopted, the Ministry must resign; and, in fact, one of Lord Salisbury's Ministries fell on precisely such an occasion. Since that time, no Ministry has been bold enough to omit from its programme a question which the people at large earnestly desire to have considered. If by chance it should do so, every session presents available opportunities for the House of Commons to cause the Ministry's fall by the expression of its resentment.

The United States is entering on a critical period in its legislative history. The next decade will decide the drift of affairs. Either the National House must once more become a deliberative body in the sense in which that term has been used in the past, or else the people of this country must decide between two alternatives. They may leave the power in the Speaker's hands, where it is at present, or they may destroy representative government by adopting the system of Initiative and Referendum.

A. P. GARDNER.

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THE BANKING AND CURRENCY PROBLEM IN THE UNITED STATES.

BY M. W. HAZELTINE.

It will be recalled that the Aldrich-Vreeland Law was passed May 30th, 1908, as a temporary measure of protection against severe money stringencies, or panics, that might occur prior to the enactment of a permanent measure pursuant to the recommendations of the National Monetary Commission. So far as is known, the Commission has not yet arrived at an agreement concerning the measure which it will commend as a permanent safeguard against money stringencies or panics. The question, therefore, is yet *sub judice,* and it is, obviously, of great importance that the question should receive the utmost illumination possible. We do not hesitate to say that nothing has yet been forthcoming on the subject which, for a moment, can be compared, as regards breadth of knowledge and depth of insight, with the treatise or essay by Mr. Victor Morawetz, which he entitles "The Banking and Currency Problem in the United States."* The author of this dissertation undertakes to show what answers to the question propounded must be rejected, on account either of their intrinsic unsoundness, or of their unacceptability, in view of the historical and political conditions of the United States. We consider it of great moment to the country that, at this juncture, the premises and deductions set forth by Mr. Morawetz should receive wide publicity, and we purpose here to indicate, first, the many proposed solutions of the problem which, for one reason or another, should, in his judgment, be brushed aside, and, secondly, the one solution which, he thinks, should be adopted by Congress.

* "The Banking and Currency Problem in the United States." By Victor Morawetz. Post 8vo. New York: Harper & Brothers.

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I.

What, precisely, is the problem to be solved? Let us hear Mr. Morawetz define it. We need not recall that, recently, we have emerged from a disastrous panic which forced the suspension of nearly all the banks, and, by the destruction of confidence and credit, arrested business activity throughout the country and caused vast losses to the people. The anomalous feature of this panic was that it was not produced by an industrial crisis, in which supply of industrial products had come greatly to exceed the demand. On the contrary, the panic of October, 1907, brought to a violent close a period of unprecedented prosperity, in which manufacturers and merchants had *not* unduly expanded their obligations for the purpose of carrying unsold stocks of goods. Far from that being the case, it is notorious that production and transportation had been barely able—and in some lines had been quite unable—to keep pace with demand for the products of industry.

Mr. Morawetz points out that such extraordinary financial disturbances do not occur in other civilized countries. That such a disturbance entirely unconnected with any industrial crisis should occur in the United States, indicates that something is seriously wrong with our system of banking and currency. Of course we must, first of all, try to ascertain what it is that is wrong with our existing financial system. That is what Mr. Morawetz essays to do before suggesting a remedy that, on the one hand, will remove the present cause of financial trouble, while, on the other hand, it will not introduce a new source of disturbance or danger.

All business men will recognize that Mr. Morawetz is right in averring that occasional bank failures, due to dishonesty or incompetence on the part of bank officers, and occasional runs upon isolated banks by panic-stricken depositors, would not prove that anything is wrong with our system of banking and currency. If, however, the failure of one bank or of several banks, or a panic among their depositors, results in the suspension of practically all the banks, as lately happened, evidently something is radically wrong with the whole system or with the methods of conducting the banking business in the United States. "A system of banking," says Mr. Morawetz, "that fails to make adequate provision against unexpected contingencies such as the

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suspension of one bank or several banks—a system that works satisfactorily only in financial fair weather—clearly is unsound and inadequate." What we need is a system that will carry us safely through periods of financial storm and stress.

What is the immediate cause of a stringency in the money market, of excessive interest rates, of inability on the part of the banks to grant the credits needed for the transaction of the legitimate business of the country, or of a general suspension of cash payments by the banks? The immediate cause, Mr. Morawetz answers, is that the banks either have expanded too far their deposit liabilities or have reduced their reserves beyond the limits of safety. When the banks keep their reserves of cash large enough in relation to their deposit liabilities, or, in other words, keep their deposit liabilities small enough in relation to their cash reserves, so that at all times they will be able to pay cash on demand to depositors, the banking situation, as a whole, is safe. To keep the banks in a safe condition, however, and to prevent bank failures and panics is only part of the problem which the National Monetary Commission has to solve. It is needful, also, to devise a system of banking that will meet the requirements of trade and commerce. The business of the world is based on credit, and banks are the instruments by which this credit is created. Modern enterprise and modern business activity would be utterly impossible without an enormous volume of bank credits. Some impressive figures are cited by Mr. Morawetz in connection with this subject. "The aggregate deposit liabilities," he recalls, "of the National banks alone amount to more than five billion dollars, and their loans and discounts amount to about that sum; while the aggregate individual deposit liabilities of all the banks [National, State, Savings and private banking companies] in the United States amount to more than thirteen billions of dollars, and their loans and discounts to more than ten and a half billions." These enormous volumes of bank credits cannot be diminished without diminishing the business prosperity of the country; and, unless the volume of bank credits can keep on expanding still further, there must be a check to the future development of the country. The problem, then, is not merely to make banking safe and to prevent future panics, but, also, to devise a system that will permit of the largest possible extension of bank credits consistent with safety.

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The author of this dissertation shows that tight money or a stringency of the money market, whether general or sectional, may result from one or more of several causes. For example, the banks may be unable to grant further credits, or they may be compelled to reduce the amounts of their outstanding credits because their reserves have been reduced by unusual withdrawals of lawful money, as may happen when a large amount of money is used to pay duties and other taxes, and is, consequently, locked up by the Government, or when a large amount of currency is withdrawn either for use as a circulating medium in the West and South to "move the crops," or to be hoarded by panic-stricken depositors, or when a large amount of gold is withdrawn for export; or, again, the banks may be unable to grant additional credits because, through extraordinary activity in business, the aggregate amount of credit desired has been increased to the limit permitted by their reserves of lawful money; or, thirdly, the persons who desire credit may be unable to furnish satisfactory securities to such banks as still may be able to grant credits. Manifestly, then, the currency question is simply a question of bank credits and bank reserves. We repeat that the problem before the National Monetary Commission is, while preventing any unsafe expansion of credit or the issue of any unsafe currency, "to find a way, on the one hand, (1) to avert a depletion of bank reserves and a consequent large reduction of bank credits in times when lawful money is withdrawn to pay taxes and is locked up by the Government, or when lawful money is largely withdrawn for use as a circulating medium to move the crops or to be hoarded; and, on the other hand, (2) to enable the banks in times of great business activity to expand their deposit liabilities, together with their loans and discounts, and also adequately to increase their reserves of lawful money."

II.

What properly may be regarded as bank reserves? One of the notable features of Mr. Morawetz's essay is his answer to this question. He makes it clear that a deposit claim of one bank against another bank cannot be treated as a reserve if we have in mind the position of the banks collectively, or, in other words, the general banking situation. Obviously, the liability of one bank to pay money to another bank would not increase the col-

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lective ability of all the banks to pay all their depositors, and would not in the least strengthen the general financial situation. When a particular bank increases its own reserve by drawing upon its deposit with another bank, it manifestly weakens to the same extent the reserve of the bank on which it draws. When, therefore, there is a general money stringency, the deposits made by certain banks in other banks are not good as reserves. The truth of this assertion was demonstrated during the recent panic. The Western banks, having large deposits with New York banks, began to draw against the latter, thereby diminishing the reserves of the New York banks; but, as the latter needed their own reserves quite as much as the Western banks needed theirs, the money stringency in New York soon reached the breaking-point, and all the New York banks suspended cash payments. From the moment that such suspension took place, the deposits of the Western banks were of no use to them as reserves.

May bank-notes be treated as a reserve? No, replies Mr. Morawetz; not if we have an eye to the general banking situation, instead of to the position of the particular bank holding such notes. A bank-note is merely a promissory-note, payable in money on demand. "Bank 'A' holding notes of Bank 'B' may consider such notes to be as good as money so long as Bank 'B' is solvent and pays its obligations on demand; yet it is manifest that, when Bank 'A' obtains money from Bank 'B' by calling upon it to redeem its notes, the reserves of Bank 'B' will be diminished exactly as much as the reserves of Bank 'A' are increased."

May call loans be regarded as a good reserve? Yes, so far as the bank putting them forth is concerned, because that bank can obtain cash promptly by calling such loans. Plainly, however, call loans do not strengthen the general banking situation, and therefore, when there is a severe money stringency, they are not good as reserves. Why? Because when a bank calls a loan the borrower either must borrow the same sum from some other bank or he must obtain the required sum by selling property, and in that event the purchaser usually must draw the money from some bank. When, therefore, a bank strengthens its own reserve by calling a loan, the practical effect is to draw the money from other banks and, just so far, to weaken their reserves.

What shall we say, then, of bonds or other securities that or-

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dinarily find a ready market? They may serve as a reserve for a particular bank, which, by selling them, may obtain currency, but reserves of the kind do not strengthen the general credit situation. For, clearly, when a bank sells securities in order to obtain lawful money with which to pay depositors, the purchaser usually must draw the purchase price from banks. The selling bank thus would obtain currency by drawing indirectly from the currency reserves of other banks. Whenever, then, there is a general money stringency, bonds or other securities normally salable are not good reserves. We are reminded that during the recent panic many of the banks and trust companies, including some of those which failed, owned large amounts of high-class securities, but this did not help them or relieve the general situation, inasmuch as the combined lawful money reserves of the banks and trust companies were inadequate. We thus arrive at the conclusion that, so far as the general financial situation is concerned, deposits made by banks in other banks, or bank-notes, or call loans, or bonds and other securities held by banks, must be disregarded. For the ultimate payment of bank deposit liabilities the only true reserve is legal-tender money.

III.

How is an increased reserve of legal-tender money to be secured when it is needed? That is the *crux* of the whole question. Mr. Morawetz recalls the portentous fact that, according to the report of the Comptroller of the Currency, the collective individual deposits of all the (twenty thousand odd) banks and trust companies in the United States amounted on or about June 30th, 1907, to $13,099,600,000, while their aggregate reserves of cash of all kinds (including bank-notes) amounted to only $1,113,742,000. In other words, the collective cash reserves of all of the banks and trust companies amounted at the date named to only about 8.5 per cent. of their collective deposit liabilities to individuals. How dangerous this situation was will be obvious when we point out that the Bank of England generally holds a reserve of about fifty per cent. of its deposit liabilities, and a larger separate reserve for its notes; the Bank of France, a reserve of about eighty per cent. of its deposit liabilities and notes; and the Imperial Bank of Germany, a reserve of about forty per cent. of its deposit liabilities and notes.

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How, then, is the aggregate amount of lawful money in the United States available as bank reserves to be increased? Not by the issue of more legal-tender silver dollars or of more Government notes. A resort to either expedient is dismissed by Mr. Morawetz as unwise or dangerous for reasons which we will not here repeat, but which his readers undoubtedly will find convincing. It follows that the lawful money needed to increase bank reserves must be obtained by a distension of the stock of gold. As gold, however, cannot be created by statute, the only practicable way of increasing the aggregate amount of the yellow metal available for true bank reserves is by obtaining additional gold from the mines, or by importing it from abroad, either by means of foreign loans, or by means of exports of cotton or grain or other commodities, or of stocks and bonds.

While, however, there is no practicable way of increasing the aggregate amount of lawful money in the country except by digging gold out of the ground or by importing it from abroad, there is a way of rendering available as bank reserves part of the gold and other lawful money already in circulation among the people. Here we come to the most valuable part of Mr. Morawetz's treatise, a part which especially deserves careful attention from the National Monetary Commission. How would he render available for bank reserves a part of the gold and other lawful money circulating among the people at a given time? This result could be attained, he says, through the issue by the National Banks of additional bank-notes, which are merely promissory-notes of the banks to pay lawful money to bearer on demand. If the public have entire confidence that whenever these notes are presented for payment lawful money can be obtained in exchange, people will accept the notes as equivalent to lawful money, and the notes will serve as a circulating medium in place of lawful money. The lawful money in place of which the bank-notes are used as a circulating medium is thereby made available as a reserve for the banks. Although, then, the aggregate amount of lawful money good as bank reserves cannot be increased an iota by an additional issue of bank-notes, the amount of lawful money available as bank reserves may be increased by substituting bank-notes for a portion of the lawful money in circulation.

Let us see how this plan would work in a concrete instance. If a hundred million dollars in bank-notes can be put out and

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kept in circulation in place of a like amount of lawful money in circulation, a hundred millions in lawful money will be added to the bank reserves, and the credit power of the National Banks would be increased more than five hundred million dollars, according to the present average expansion of credits on the part of those institutions; and more than a thousand million dollars, according to the present average, for all the National, State and Savings banks and trust companies.

It is well known that as long as bank-notes are kept at a parity with gold and other lawful money, it is immaterial to the people at large whether they receive lawful money or bank-notes, and rarely, if ever, does the public present bank-notes for redemption in lawful money. The National Banks, on the other hand, always prefer lawful money, because lawful money is good as reserve, whereas bank-notes are not good for that purpose. For that reason the National Banks, whenever practicable, keep lawful money in their vaults and pay out their own notes or the notes of other banks. A constant process of sifting the currency thus goes on. When there is a demand for an unusual amount of currency for use as a circulating medium, the banks, if they have power to issue notes, pay out bank-notes to meet this increased demand. When, on the other hand, the additional currency thus created is no longer needed, people do not pick out the bank-notes and return them to the banks and keep the lawful money in circulation, but to the extent of the excess of the circulating medium lawful money and bank-notes are deposited indiscriminately. The banks thereupon sift the deposits made and retain the lawful money, but when currency is demanded for use as a circulating medium they again pay out notes. Two interesting facts are here brought forward by Mr. Morawetz. He shows that by this sifting process about six hundred million dollars of national bank-notes are kept outstanding year in year out, even when the aggregate amount of the circulating medium is needlessly large and when interest rates have fallen to a minimum.

It is through the same process that practically all the gold in the Dominion of Canada has been accumulated in the banks, while the currency in circulation among the people consists almost exclusively of bank-notes, subsidiary silver and small Government notes.

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IV.

Divers plans have been proposed for the regulation of the credit situation in the United States by the issue and redemption of notes of the National Banks, and it has been argued that, were facilities adequate for the speedy redemption of the notes, a satisfactory regulation of the amount of the currency and of the expansion of bank credits would result automatically. Mr. Morawetz points out that the objection to these plans is that they furnish facilities for expansion, but fail to provide against over-expansion, and really furnish no means of regulating the credit situation. It has been suggested that we might adopt the banking system which prevails in Canada and in Scotland, where the power to issue circulating notes has been given to the various banks without any central control, yet where the system works well. To our author's mind it exhibits a large measure of optimism and a lack of regard for the judgment of the great nations of the Old World to argue that, because the system of independent bank-note issues works satisfactorily in small and conservative Scotland, with its eleven banks under the wing of the great central Bank of England; and in agricultural Canada, which has but thirty-four banks, the same system would necessarily work well in a country as large as the United States with nearly 7,000 National Banks (having deposits of more than $5,000,000,000, and already having outstanding bank-notes amounting to more than $600,000,000), and with nearly twice as many State banks and trust companies. We are reminded that the great commercial nations of the Old World, England, France and Germany, have not found it safe or practicable to give to all the banks the power to issue circulating notes that is conceded in Scotland and in Canada. In the three countries named the issue of bank-note currency is regulated by intelligent central control. Should we, then, follow their example and establish a great central bank? Mr. Morawetz replies that it would not be politically practicable to secure the enactment of the legislation needed to establish such an institution. Our experience with the former Bank of the United States shows that the American people will not consent to the creation of such a central establishment. The desired central regulation of the issue of bank-notes must be attained by other methods. Regulation by taxation has been advocated. It has been proposed that Congress shall provide a method of regu-

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lating the banking and currency situation by authorizing the National Banks, in case of emergency, to issue additional notes for use as currency upon payment of a high tax imposed to prevent the banks from emitting notes, except during a period of severe money stringency and of very high interest rates. Mr. Morawetz shows that the only effect of taxation upon bank-note issues would be to render them expensive, and to prevent the banks from issuing notes before interest rates should have become high. The prevalence of a high rate of interest in Wall Street, however, such as probably would induce the issue of notes, would afford no test or indication of the probable safety of an issue of more notes or of a further expansion of credit. At best a highly taxed issue of bank-notes would be a so-called "emergency circulation," available only in times of stress and panic. It would be of no avail as a means of preventing a money stringency and possible panic. It would not furnish a means of increasing bank reserves or of restraining banks from unduly expanding credits in times when money is easy. Taxation of bank-notes, in a word, would not add in the least to the security of those notes or to the ability of the banks to pay their depositors and note-holders in lawful money on demand.

Another mode of regulating the financial situation which has found advocates in certain quarters is that the function of issuing notes for use as currency should be exercised exclusively by the Federal Government, and should not be delegated to banks. Mr. Morawetz recalls that no nation has ever resorted to an issue of Government notes except in times of trouble and low national credit, and that always such issues have proved in the end a source of loss and danger. Our own Government notes were issued in war times, and subsequently caused untold financial trouble and loss to the people of the United States. At present these notes have been rendered innocuous by the limitation placed upon their issue, and by the Government pledge to redeem them on demand in gold, and to maintain a large reserve of the yellow metal for that purpose. To expand the issue of such notes would be to invite the return of the financial evils from which the country suffered grievously for some ten years after the Civil War.

On still another proposal our author wastes but little time, the proposal, namely, to tax all the National Banks ratably, ac-

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cording to their deposits, in order to provide a guarantee fund for the prompt payment of the depositors of every broken bank. During the last political campaign, it was asserted that the adoption of this plan would give to bank depositors in general such confidence that there would be no more runs upon banks and no more financial panics. Mr. Morawetz finds it easy to demonstrate that the practical outcome of such a plan, if carried out, would be that in good times and with prosperous business the weaker and more speculative banks would be encouraged to increase their loans, whereas in times of stringency and threatened trouble the strong and conservative banks would be forced to contract credits and to refuse accommodation for the purpose of maintaining and increasing their reserves so as to be able to meet demands to pay off depositors in weak banks. The tendency of the plan, therefore, would be to cause expansion of bank credits when conservatism is desirable, and to cause contraction of bank credits when credit is most needed to avert panic and disaster. In a word, no guarantee fund and no system of insuring bank depositors can possibly furnish a substitute for cash reserves. Mr. Morawetz disposes of the guaranty scheme by comparing it with efforts of a man to lift himself over a fence by his own boot-straps. "The plan would not increase the bank reserves by one dollar, and would not in the least strengthen the general banking situation. It would weaken the strong banks far more than it would strengthen the weak banks. It would tie all the banks together, the good and the bad, so that in the event of great stress and trouble all would be likely to fall together in one general ruin."

V.

What, then, is the solution which Mr. Morawetz propounds of the problem submitted to the National Monetary Commission? His plan is to establish a central agency empowered to regulate the issue and redemption of bank-notes by the National Banks, thus regulating the general expansion of credits, and insuring the safety of the general banking situation without subjecting State banks and trust companies to national legislation. To carry out this project, he would have an Act of Congress authorize the National Banks to form an association subject to terms and conditions prescribed in the Act, for the sole purpose of issuing notes upon their joint credit. The association should have no

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capital, and should not have power to receive deposits. It should be simply a joint agency of the associated banks, like a large clearing-house association. The association should become operative when it should comprise banks having a fixed aggregate capital stock of not less than $250,000,000, though all National Banks should be entitled thereafter at any time to join the association.

Sketching his plan in detail, Mr. Morawetz suggests that the banks constituting the association should elect the managing board or committee consisting of fifteen to twenty-one experienced bankers or business men familiar with general conditions and with financial operations, which managing board should control the affairs of the association. As the whole American community, however, is interested in the character of the currency, and in the stability of the financial conditions and of interest rates, no action of the managing board affecting the volume of outstanding notes or the percentage of the redemption fund applicable to the payment of such notes should become effective until approved by the Federal Government acting through the Secretary of the Treasury. Mr. Morawetz would make the Comptroller of the Currency *ex officio* a member of the managing board of the association. All the other members of the managing board would be elective, would hold office for three years, and would be so classified that one-third might be chosen annually. In electing them each bank would have one vote for each $25,000 of its capital stock for each manager to be elected, and should have power to cumulate its votes. The principal office of the association Mr. Morawetz would place at Washington, and he would have the association required to establish a branch or agency for the issue and redemption of notes in each city wherein there is a United States Subtreasury. It should be, moreover, the duty of the association within two years after it had commenced operations to establish a branch or agency for the redemption of notes in every city of the United States having a population of 100,000 persons.

Now let us see how this plan would work. Each bank which was a member of the association would have a right to take out and issue notes up to an amount which, including its present bond-secured notes, should not exceed its capital stock. With the approval of the Secretary of the Treasury, the managing board should have

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the power from time to time to increase, ratably as to all banks, the authorized amount of their note issues, and thereafter to reduce any such increase that may have been authorized; the power to increase the authorized amount of the note issues, however, should be limited to some fixed percentage of the capital stock of the bank. No bank should be authorized to take out notes if its capital stock should not be wholly paid up and unimpaired, nor if it be in default in depositing and keeping up its note-redemption fund or in the payment of any sum due to the association. The notes should be prepared by the association under the supervision of the Comptroller of the Currency, and every act of the association should be subject to his supervision.

We have just spoken of a note-redemption plan. What is the arrangement for that purpose which Mr. Morawetz has in mind? He says that each bank, having issued notes, should be required to keep on deposit with the association, as a redemption fund for their payment, a sum of lawful money equal to twenty per cent. of such notes or such greater per cent. thereof as from time to time may be prescribed by the Board of Managers and the Secretary of the Treasury. He would have the note-redemption funds of the several banks administered by the Board of Managers under the supervision of the Comptroller of the Currency. The great function of the Board of Managers, acting in conjunction with the Secretary of the Treasury, would be from time to time to fix the authorized limit of the note issues of the several banks (if any increase beyond their capital stock should be authorized) and to fix the amount of lawful money to be deposited with the association for redemption of the notes.

Mr. Morawetz believes—and trusts that the National Monetary Commission will upon consideration also believe—that this power of the Board of Managers, exercisable in conjunction with the Secretary of the Treasury, to increase or to diminish the percentage of the note-redemption fund, would enable them to regulate the uncovered volume of the notes outstanding, and to give stability to financial conditions generally.

M. W. HAZELTINE.

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WHAT IS JEWISH HISTORY?

BY PROFESSOR ABRAM S. ISAACS.

It is generally held that the history of the Jews ended with the fall of Jerusalem; the fact is, however, that it really began from that date, as the Jew lost a little strip of soil and gained contact with the world instead. In other words, instead of continuing as a petty Eastern dependency, with its narrow limitations, the Jew became from that time an international factor. Long before the capture of Jerusalem by Titus, a change had become inevitable; as the Jews, after the Captivity in Babylon, fell under the sway of Egypt, Syria and Rome. The periods of independence after the Return under Ezra and, later, under the Maccabees were brief and transient.

Considering Palestine merely as a kingdom and from the political point of view alone, it is clear that its conquest could not long have been delayed. Its position was too tempting to escape notice; and the stronger it grew the more inevitable became its vassalage to one of the great Powers that then, as such Powers do now, swallowed up the small nations. The game played in Bible times by Assyria, Babylonia and Egypt was continued in later centuries—in the era represented by the hiatus between the Testaments—by Persia, Syria and Rome, particularly when the successors of Alexander the Great fought for supremacy. Palestine was practically in the position of Poland, when the latter proved so choice a morsel for Prussia, Austria and Russia towards the end of the eighteenth century.

Now was to begin the real history of the Jew, with all its lights and shadows in the lands of his Dispersion; and, because he carried a very old book with him, his Law and his Prophets, he was enabled to be at home everywhere and become a good citizen in any land that assured him civil and religious freedom.

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Many interesting points are connected with the Jew's Dispersion which are never touched upon in school histories, and hence are probably unknown to the general reader. In the first place, the extent and duration of his wanderings are almost incredible at this date. Call it a migration, rather than a wandering, and a better idea can be given of the spirit of Jewish history, which has been a series of migrations, voluntary and compulsory. In this respect, the Jew is no exception to the general law upon which our modern civilization is based, which is that of migration. Language, handicraft, trade, culture, all that we term the fruits of civilization, are largely, if not wholly, due to the migration of peoples from land to land, clime to clime, from the mountains to the plains, as a more favorable home was sought, and as race and tribe yielded to the advance of the stronger. The Jew's ceaseless migrations wonderfully tended to his vitality, developed him into a cosmopolitan, with his creed to-day more universal and his influence wider than was possible in the days of his beginnings on Palestinian soil.

Now, whither did he migrate, when the Roman plough was driven over the site of Jerusalem? He had been used to wandering before that date—he could be found in large numbers in Egypt, in Greece, in Italy, in Asia Minor; but now he had to seek a wider home. In the West, he followed the Roman soldier along the Rhine, in Gaul, in the forests of Bohemia. Undoubtedly the Jew's earlier appearance in Greece, Asia Minor and Rome had much to do with the rapid rise of the Church, for he was beginning to familiarize the heathen world with the Scriptures and thus prepare the ground for Christianity. In the East, he went to Persia, Arabia and India, penetrating the farthest realms of the Orient. His presence in Arabia had much to do with the rise of Islam, for Mahomet drew much of his inspiration from the Bible and the lore of the rabbis.

What was his occupation in those early centuries preliminary to the so-called Dark and Middle Ages? In Rome, the catacombs, with their Jewish and Christian emblems rescued within a few decades from a sleep of nearly two thousand years, show that both Jew and Christian, exposed alike to pitiless persecutions, fled underground to hold religious worship and bury their dead. In favorable times, however, the Jew emerged from seclusion and, thanks to his genius for language due to early edu-

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cation and his aptitude for trade, he became an intermediary between Europe and the Orient, not only in the world of commerce, but also in the world of thought. His caravans tapped the richest lands of the Far East, bearing spices, silks, gems, fruit, etc., for the Western market. He was to reveal as well the treasures of Greece and India, and in the rôle of translator he opened new vistas of philosophy, science and folklore.

Jewish history tells a story of almost constant persecutions—from the era of Justinian to that of the latest Tsar. The expulsions have been harrowing, from England (1290), from France (1181), from Spain (1492), from cities and smaller kingdoms with ever-increasing hardships. No wonder that the legend of Cartophilus, the Roman soldier, first told in the thirteenth century, became known as that of the Wandering or Everlasting Jew; for the spectacle of hosts of Jews ever moving from place to place was a common one in those centuries; and it seemed to be regarded as a duty, by rulers and the people, to intensify the curse and thus help Providence by the most incredible enactments to humiliate and degrade the luckless wanderers. They suffered numerous restrictions in trade, occupation, dress and dwelling. A Jew-badge, consisting usually of a yellow bit of cloth, wheel shaped, was affixed to the garment of old and young, while pointed hats were worn. They had their own special quarters, often designedly in the most unsavory section of the cities,—the Ghetto was general throughout Europe and is still preserved in the Mellah of Morocco. Intermarriage with the Christian was forbidden, the employment by them of Christian servants was prohibited; in some countries the annual number of marriages among themselves was limited by law.

The expulsion from Spain, a land associated with the fairest memories, in which Jews had attained high rank in literature, science and statesmanship, was the bitterest blow they endured since the fall of Jerusalem. During Torquemada's fifteen years in office as head of the Inquisition, eight thousand Jews and Maranos—the latter were pseudo-converts—were put to death, and more than six thousand in effigy, while two hundred thousand Jews went ultimately into exile in Central Europe, Asia and Africa, settling chiefly in Poland and Turkey, which were then hospitable to them, and also in Holland, Brazil and the West Indies, whence a small band appeared as suppliants at New Am-

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sterdam in 1655, and received the privilege of entry from Peter Stuyvesant on condition that they would take care of their poor.

There were occasional pauses, however, when they enjoyed a large measure of happiness and security. Behind the Ghetto gates their homes were altars, their domestic lives pure, their schools vigorously upheld and their synagogues formed a sovereignty of their own. Forgetting the shameless indignities practised on them, they wrote and taught, worked and planned, and numbered their poets and scholars even in troublous times. Their buoyancy was irresistible—heart and brain were kept fresh and strong by study and aspiration. They were physicians, too, to Court and Church; and if no other profession was open to them, often as financial agents they controlled the sinews of war and rendered service to the state. They were not always prudent, it must be confessed, and an occasional tendency to ostentation aroused public odium, while legend exaggerated their wealth until the mob thought it a duty to despoil them in an era of dangerous popular superstition. As kings and prelates were often greatly indebted to the Jews, the easiest way to settle accounts was to excite the mob against them and thus destroy all evidences of indebtedness.

Apart from occasional popular outbreaks, often checked by friendly prince or bishop, Ghetto existence was uneventful. The synagogue was the centre of communal life, the Sabbath and festivals were joyously celebrated. The Jew believed that his trials were divinely ordained and for a wise purpose; while hope in a Messiah was so vivid that now and then pseudo-Messiahs were welcomed and caused excitement in Europe and the East, even if their claims failed of realization. Often when news reached the Ghetto of the appearance of such an impostor, many Jews would sell their goods to secure funds to journey to Palestine to meet the deliverer, so naïve was their faith. And yet this was centuries before the Millerite excitement in New England and the appearance of Dowie, the so-called prophet, in Chicago.

The Jews were always more or less influenced by their environment, however inflexible their conservatism. Like their contemporaries, they had their heresies and heretics, but in modest fashion. Thus the Karaites in the eighth century represented marked dissent from the parent stock, while the Hasidim or the

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pietists of Poland, who sprang into existence in the latter part of the eighteenth century, met hostile treatment from the rabbis of the traditional school. The rise of the Cabala is another illustration of Jewish intellectual fertility, while Moses Mendelssohn (1740-93) is regarded as beginning the movement towards emancipation from within, which kept pace with civic emancipation in the states of Europe. Varieties of conservative and reformer, radical and Zionist of different degrees of intensity, are found to-day in Jewry,—the conflict of opinion dates from the Talmudic age, when parties and partisans debated hotly in the schools of Palestine and Babylonia. The Jew was never mentally dormant; he preferred aberration to torpor.

The proscriptive measures of State and Church from the early centuries had practically the aim in view attributed to a distinguished Russian official who recently died, but not at the hands of an assassin. It was to drive a third of the Jews to death, a third to exile, and a third to the Church. It is possible that this computation is correct, although there are no exact statistics to confirm it. Doubtless many Jews sought security by conversion, while intermarriage had its natural effect in withdrawals from Judaism. Jewish and princely blood have often commingled, especially in Spain. No more thrilling chapter is found in Jewish history than that which records the fate of the Maranos of Spain and Portugal, the majority of whom publicly professed Christianity and yet remained Jews in private. Against them the mob was embittered more than against their former brethren, and unutterably cruel were the sufferings they had to undergo. Hundreds, nay thousands, met death at the stake rather than renounce in reality their olden faith; while as emigrants, like the Huguenots, they added to the wealth of their adopted country and became leaders in varied lines.

The history of the Jews has not ended; it is bound up with the history of civilization. Judging, however, by the spirit of Israel's past, his reverence for his book and its traditions, as well as his love for country and humanity, breadth of view and mental alertness, he can anticipate the future with every confidence. The world is advancing in reality and the tribunal of The Hague dimly points to an era of human brotherhood, when the Jewish prophet's vision of universal peace shall be realized.

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WHY ENGLISH DOES NOT SIMPLIFY HER SPELLING.

BY MAX EASTMAN.

SOME people like to reform everything they can get their hands on. Others want to fold away and worship whatever is presented to them by the caprice of history. The world is pretty evenly divided between these two. If only Creation had thought to make all the radicals red and all the conservatives white, it would have been a great convenience. For there is no use in trying to estimate a man's opinions until you discover to which of these fundamental schools he belongs. If he belongs to the reds, you take everything that he says with a grain of salt, and make up for not following his advice by enjoying his company. If he belongs to the whites, you take what he says (with all due respect for his gray hair and family connections) with a grain of pepper. Perhaps the drift of these remarks will reveal the fact that I am a red. I like to meddle and tinker. I would rather go from bad to worse than let well enough alone. I belong to that disreputable class damned by Tacitus (or Cæsar, or somebody who understood both Latin and human nature) as "desiring a revolution for its own sake." To such persons everything very obviously needs reforming, and the only question with them is, whether or not they have time to give the revolution their personal supervision. Instead of introducing myself, therefore, as the other debaters upon simplified spelling do, by wagging a long tail of university degrees, I will give the more relevant information that I am a red, and that what I say about anything organized or established is generally taken at a considerable discount.

For this reason I instinctively defend the Simplified Spelling Board. Its critics ought to remember that its motives are com-

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plex, like the motives of human beings. It is not reforming the language with a special view to spelling-books, or printing-presses, or international diplomacy, or phonetics, or logic, or historic truthfulness; it is moved by all these considerations at once. To reform a thing means to make it better than it was; and in order to make a language better, it is necessary that all human interests be considered. That is what the Spelling Board is trying to do. Somehow it has got stuck in the popular mind that the chief purpose of this reform is to make it easy for the Germans to learn our language, so that we will not have to learn theirs. That is one very important consideration; but there are others just as important—"historical propriety, scientific regularity and practical economy," says the last bulletin. These three. And the greatest of these is practical economy. Which divides itself into economy in printing and writing and typewriting (five per cent. of our letters being considered superfluous), economy of eye-strain, economy of paper, economy of time spent by teachers and pupils (generously calculated at about a year for every pupil). We can save a good deal of money out of what we are spending for education and put it into battleships. Practical economy is the chief motive. But the others are there—"historical propriety," which some think is the only valid reason for anything, and "scientific regularity," which will make it possible for a child to reason out his own spellings. He will not so soon get the idea that education consists of being told. That is, to my revolutionary mind, the most important argument in favor of rationalizing our spelling. But no one of these arguments does all the work. The members of the Committee use them all. They try to strike a liberal attitude which will yield the highest values in each direction. When "practical economy" gets tired, they fall back on "historical propriety." When that wears out, they hitch up "scientific regularity." So you can generally suspect, when you see one of these arguments laid off, that the others are working.

It was a great joke, I thought, that the Board should fancy they were simplifying things when they took a few verbs that ended in *ed* in the past tense, and changed them to *t*. When you once learn that English verbs form their past in *ed*, it is no simplification to have to remember that some of them cut it down to *t*. Ending in *ed* in the past was about the only consistent and respectable thing that English verbs ever did. Now

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that is gone, and we have a new exception on our hands. It used to be very smart to laugh at this "simplification"—but that was before you read the bulletins. After you read them, you found out that "scientific regularity" was not on the job there at all. It was "practical economy"—eye-strain, ink, paper, typewriters' fingers, proofreaders' nervous system—with "historical propriety" bossing the reform.

Of course, it is a little amusing to the man who is not doing the work to see a reformer get into trouble. After they get all those 900 long-tailed preterites in *ed* docked, then they have to go to work and lay out a new museum of exceptions.

"Verbs that end in *-ce* (*-ace, -ice, -ance, -ence,* etc.) in the infinitive cannot have the *d* in the preterit ending *-ced* simplified to *t*, because the resultant sequence *-ct* would be abnormal for the sound intended.

"The *-ed* cannot be spelled *-t* when the infinitive contains a long vowel written a—e (bake), e..e (eke), etc., etc."

These exceptions make you sick with the old blackboard sickness. This is where the language kicks back. It won't rationalize. Nothing will. It is the same way with the universe. Every once in a while a philosopher sets out to reform the universe, and, for every new rule he puts up, the universe comes back at him with another batch of exceptions. The raw material can always raise you one higher, if I may advance the figure, and that gives zest to the intellectual game. So it is with these grammatical exceptions. You could not eliminate them entirely, even if you had the remodelling of the human gullet. The object is, however, to reform the universe just all it can stand, but never forget that it was there first and you have to keep your eyes open.

There is one direction in which the Simplified Spelling Board has not kept its eyes open. One vital human interest, if my feelings do not mislead me, their bulletins of apology and exegesis never mention. I am not excited about it because I believe it will take its revenge. It will reform the reformation. But I take pleasure in pointing it out, because this is the first time I ever discovered in my own mind, anything like a conservative bias.

In an age which reduces all things to the so-called "practical test," we are prone to forget that a thing is practical only because it leads to an increase of some pleasure which is not prac-

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tical, but enjoyed for its own sake. If we are going to make our language practical, we change it in such a way as to make it more useful to us in getting those things which we want, not because they are useful, but just because we want them. There is no use saving money on schools unless we can use it for something that we like better. Now, one of the things that we like, not because it is useful, but just because we like it, is beauty. A great many of the truest and best Americans are vitally interested in beauty as manifested in literary art. To them words have a value, not for what they can do only, but for what they are. As one of the chief values in literary art is variety (in the sound, appearance and associations of words), and as the work of the Spelling Board is an assault on the unparalleled varieties of the English language, it is right for artists to demand that the Board have an eye to this interest. Looking through their publications, however, I find not the scantiest allusion to the subject.

In the circular of May 20th, 1907, after congratulating themselves upon the support of scientists, they proceed as follows:

"On the other hand, the most vociferous of our opponents have been men of letters. It is pleasant to record that many of the foremost figures of contemporary American literature can be counted as ardent advocates of our cause. But it is indisputable also that some writers of prominence have revealed themselves as tied fast in the bonds of prejudice and as glorying in their enslavement. Perhaps, however, this is to be wondered at less than it is to be deplored, since it is the duty of the lyrists and of the romancers to use the language as best they can, and they are under no obligation to acquaint themselves with its history or with the principles which govern its growth."

The writer of that paragraph is stupid. Men of letters are just as prejudiced as, and perhaps a little more ignorant, than, anybody else; but they are human beings too, and as such the prime fact about them is that they are interested in their own interests. They are under no obligation to acquaint themselves, he says, with the history of the language or the principles that govern its growth. Indeed, they are not; and neither is any scientist, or typewriter, or proofreader, or schoolma'am, or steel manufacturer, or politician—nobody, in fact, but a few blue-spectacled lexicographers and close-eyed root-ferrets who make their living that way. They can't reform the language. The language will be reformed, if it is, by a great army of persons whose differing interests are all subserved by the change, and the "historical pro-

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priety" people are an exceedingly insignificant squad in that army. Men of letters—especially the more subtle—do not belong to that army, because they are (like men of everything else) "tied fast in the bonds of prejudice" in favor of the things that they like best.

Men of letters are not, as a rule, primarily interested in any one of those reliable old shifts—scientific regularity, historical propriety, or practical economy. They are working a different shaft. They make their living, if they can, out of psychological variety, and that is what they are hunting for. To condemn them because they are not primarily interested in extricating German immigrants from the spelling-book, or smoothing down typewriters, or saving school money in order to emphasize the gestures of our navy, is as irrational as to condemn a natural-born red for wanting to revolutionize the language. They can't any of them help it.

Now, to be fair to the quotation, I will explain what the writer meant by saying literary objectors are tied fast in the bonds of prejudice and glorying in their enslavement. He meant that they are unwilling to give up the word values and word associations which they like, simply from habit, for others which are just as good, but which are unfamiliar to them. For instance, if you are a literary man, the word *debt* (spelled with a *b*) will have a special value for you and a great many rich associations. You have got used to the *b*, and the word will not fit comfortably into a page without it. It will not have just the same feeling-tone. But the Spelling Board believes it is your duty, in the interests of other trades, to drop the *b* and get used to the new form, which is just as good in itself, and which will soon begin to carry all the associations that the old one carried. In that particular case, the Spelling Board may be right. A great deal of the opposition to any reform arises from the selfishness of people who refuse to change their old habits for new ones that are just as good for them, and better for somebody else. On the other hand, it is very difficult to decide, in a given case, whether you are objecting to a new form just because it does not bear the old associations yet, or because it is by its intrinsic nature not fit to bear them. It is difficult to say whether *passiv* (with that abrupt and gymnastic ending) is unfit for the poetic representation of inactivity, or whether it merely seems unfit because

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we are accustomed to slide off on an *-ive*. It is difficult to distinguish the judgments of custom from the judgments of reason, but this is a very general infirmity, and it is not, like ignorance, peculiar to men of letters.

A man of letters, essaying to write gruesome poetry, who should leave the *h* out of *ghost* and *aghast* and *ghastly* and *ghostly*, and the *w* out of *wraith*, and change the *re* of spectre to an *er* would be a fool. He would deservedly die of starvation. A ghost without an *h* is little better, for the purposes of poetry, than a goat. The *h* not only *is* connected by custom with the breathless and visionary moment, but for obvious reasons it *ought* to be. The word *ghost* is not at present associated with *post* and *most* and *roast* and *toast*, and a host of daylight experiences, and it is essential to the literary art that it should not become so. It is, with one or two others, a word by itself—a strange word, essentially unpronounced, unmuscularized, supernatural.

A member of the Simplifying Board brings forward, with the gusto of a bull routing the antiques out of a china-shop, a long parade of words that contain a needless *h*, thrust in by Caxton "after a Dutch fashion"—*ghuest, ghittar, ghospel, ghossip*, etc. —triumphantly pointing to the fact that we have got rid of this "awkward squad," and apparently wondering why *ghost* and its companions remain. Perhaps, if the writer had a little more sympathy with the growers of language, with some less knowledge about its growth, he would be just as wise. "In Italian," he says, "'hard' *g* before *e* or *i* is written *gh*, in French *gu;* but these devices are not needed in English." If they are not "needed," it is the more creditable to the artists, the true developers of the written language, that they were retained. It is the more creditable to them that they could tell the essential difference between a gossip and a ghost. "After a Dutch fashion," says he, with fine scorn. Whereas it is the pride and glory of the old Anglo-Saxon drift that it knew just where and when to borrow a jewel and slough off a scab. Every Continental nation has been robbed of its most intimate peculiarities. Asia and the treasuries of Ind have been levied upon. There is that word *wraith*, a jewel to me since childhood, a word on whose historical propriety and scientific regularity and practical economy I dwell in a most serene and blissful indifference, but a word borrowed, I know, by the happy genius of the English people from

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some travelling caravan of foreigners or fates. The man that desecrates such a syllable, a unity and a symbol of evanescence, like the half-uttered breath of a spirit, is the mortal enemy of all artists. Be he red or white, their ways part before the altar of beauty.

Not only is that word a jewel because of its suggested sound and its appearance, both essentially depending upon the *w*, but it is precious for two other reasons. One of these is its uniqueness. There is nothing else in the world like it, and there shall never be. The other reason is that its verbal and literal associates are totally different from what they would be if the *w* were omitted. It would be one of a vulgar company—*rail, raid, rain,* etc.—without its unutterable beginning, whereas with that beginning it is as little like any of those words as the vision itself might be. It is potentially associated with *why* and *whither* and *where,* words of hesitation and wonder.

To many, who cannot feel a word, or who, feeling it, cannot believe that their feeling depends upon such trivial things, these will seem the refinements of decadence. The sound of a word, they will think, ought to be enough to satisfy a healthy poet. That the sound is by no means unique in importance, however, any one may demonstrate to himself by comparing the flavor of two such words as *rough* and *ruff*. Not only the appearance, either, determines the difference, but very largely the muscular sensations of the throat and mouth. I venture to say that, were our ears subtly aware of the finest overtones, we should find those words differently pronounced. Our muscular sense is aware of the finest overtones. *Rough* is a very different word from *ruff,* aside from its meaning, to the most practical man. To me, as it happens, *rough* is more sharply distinguished from *ruff* than it is from *bough,* the appearance being more effective in that case than the sound.

As it is by no means impossible, however, for a red to be a decadent, and as the name of so deep and wholesome an artist as Mark Twain is recklessly advanced upon the side of simplification, I appeal upon the question of the importance of these subtleties to the only literary man of our times who rivalled him in popularity—Robert Louis Stevenson. I can find nothing to quote which quite indicates his views on a spelling reform; but I need only point to that essay, "On Some Technical Elements of Style in Literature," for assurance that he believed in the in-

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dispensability of subtle differences, not only in the sounds of words, but in their shape, and alphabetic associations, and size, and velocity, and grace. I quote a few significant, although not strictly apposite, words. The whole essay is apposite enough in the subtle perceptions which it reveals.

"And you will find another and much stranger circumstance. Literature is written by and for two senses: a sort of internal ear, quick to perceive 'unheard melodies'; and the eye, which directs the pen and deciphers the printed page. Well, even as there are rhymes for the eye, so you will find that there are assonances and alliterations. . . . Here, then, we have a fresh pattern—a pattern, to speak grossly, of letters—which makes the fourth preoccupation of the prose-writer, and the fifth of the versifier. At times it is very delicate and hard to perceive, and then perhaps most excellent and winning."

For further evidence that the perception of these hues and flavors is not a hypertrophy of the literary organ, observe this casual remark of an artist in a more respectable field:

"And if we have lost so many things, which in some cases are lost forever, of what seemed to the makers of works of art in the past the very essence of their difference from other people, what other things do we not lose when, for example, in poetry the exact quality of a single vowel, its shading in the scale of sound, has so much expression, so much importance to us? Think of all the combinations of these simple elements in the style of a great poet. Each syllable has a personality of its own. . . ."*

For final proof that even a person of "scientific regularity" is constrained to recognize the visual and kinetic values of words, I quote in haste this passage from the most recent work upon the "Psychology of Beauty":

"Manifold may be the implications and suggestions of even a single letter. Thus a charming anonymous essay on the word 'grey.' 'Gray is a quiet color for daylight things, but there is a touch of difference, of romance even, about things that are grey,' etc."

Without looking farther for proofs of sanity, I will endeavor to set forth, with what scientific regularity I can myself muster, the various effects of the proposed simplification upon the language as artistic material.

The first of these effects is the mutilation of many words which have a precious character by virtue of silent, or so-called "super-

* John La Farge, "Considerations on Painting."

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fluous" letters. (1) These may be precious because their present form is like their meaning:

fragile	*fragil*	*thumb*	*thum*
numb	*num*	*scimitar*	*simitar*
scythe	*sithe*	*harangue*	*harang*
solemn	*solem*	*kissed*	*kist*
gazelle	*gazel*		

(I choose a few of these published changes at random, and, while some of them may represent personal prejudice, a universal truth remains. For instance, the *c* in *scythe* and *scissors* and *scimitar* is to cut with.)

The English language is especially rich in such words—termed "onomatopoetic." As words were many of them born of the perception of such analogies, so many of them have been retained or altered by the same instinct. This accounts for untold "superfluous" or "illogical" letters. *Buz* is very good logic, but very poor poetry compared with *buzz*. The *b* in *dumb* and *lamb*, so the propriety man tells us, is "original"; the *b* in *thumb* and *numb* was inserted. But the reason why all four *b*'s are there now, is one and the same reason—namely, that each is, in a most delicate way, congruous with the meaning of its word. It is difficult to estimate things that are so unseizable as these, their elusiveness being the essence of their value. Like happiness itself, and like the motes before your eyes, when you look straight at them they run away into a corner and are not. But such gypsy things are most precious. In these ways our spelling is superior to the spelling of French and of German, and far superior to the spelling of Italian and Spanish. The practical economy man calls it "vicious." "It is unworthy of a practical people." "No better example could be found of the inconsistency of human nature," says he, "than the fact that the most businesslike of races has been so long content with the most unbusinesslike of orthographies." There is nothing inconsistent about the practical economy man, however. He is practical from the front end of his pamphlet to the back. It is possible that he sees the Anglo-Saxon race under the shadow of his own nose. It is possible that, if he would look beyond his own age and province, he would find the Anglo-Saxon more notably artistic and intellectual than businesslike. There is a race or two here that competes with us successfully in business. There is none in

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literature. And if he should find any further evidence of this unpractical bent, then the spelling could line up on the same side of the argument. The Anglo-Saxon race might thus prove almost as consistent as the economy man, for there is no written language more worthy of an artistic people.

(2) The destroyed words may be precious because their present form makes them unique, whereas the change reduces them to vulgarity.

nitre	*niter*	*build*	*bild*
mould	*mold*	*choir*	*quire*
although	*altho*	*guardian*	*gardian*
sylvan	*silvan*	*campaign*	*campain*
rhyme	*rime*	*league*	*leag*
autumn	*autum*		

Let *autumn* stand for a thousand tone-poems that the proposed reform would destroy. Literature will never relinquish *autumn.*

(3) Words may be precious, by virtue of "superfluous" or "illogical" letters, because these letters determine valued associations and prevent disastrous ones.

limb	*lim*	*sovereign*	*soveren*
courtesy	*curtesy*	*lamb*	*lam*
tongue	*tung*		

The words that find themselves, one way or another, in this list are innumerable. You can do what you like with *phthisis,* and *eggs,* and *cyclopædias,* and *hæmatins* (whatever they are), but when you try to make *courtesy* into an American there is a kind of folly in the effort. Courtesy belongs to the leisure of the court; it would die after two days in a curt atmosphere. No music would ever flow from a *tung;* it could proceed as well from the *lung,* which it never has in the history of metaphor. And when it comes to trying to make a lamb *lam,* all poetry and religion protest. A lamb *can't* lam. He is too blunt. You might as well try to make a cow scream as to make a lamb *lam.*

It will be noticed, further, that most of the words quoted belong to more than one of these three lists. Some belong to all three. And in this connection I cannot forbear to return to the word *choir.* It is another childhood favorite. "Where the stars choir forth eternal harmonies"—sings to me from an old translation of Bruno, a phrase of which *choir* is the vital spirit. *Choir* is a word, so far as I can remember, absolutely unique, a word

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without any poor relations. *Quire,* on the other hand, besides a distinctly papery feeling of its own, has a whole rabble of disreputable low Latin verbs coming after it. The stars could never stoop to it. "Choir," says the historical propriety man, "is one of the worst spellings in the English language. It is a blundering mixture of the modern French spelling *chœur* with the real English spelling *quire.*" Let us thank God, then, that we are blundering Anglo-Saxons! We do not see the English language through propriety spectacles, but with the ignorant prejudice of an outdoor eyesight. I could almost wish I were a man of letters, I am so glad that I am not the historical propriety man. *Choir* stays in my vocabulary.

But to proceed with scientific regularity, there is another effect which simplified spelling has upon the literary material: it improves certain words in the same three ways I have mentioned.

riskt	*risked*	*gipsy*	*gypsy*
stampt	*stamped*	*clipt*	*clipped*

I do not classify these examples and spread them out and make a show of them, partly because I have developed a prejudice against the Simplifiers since I recalled their last desecration, and partly because there are not enough examples. It is obvious that a movement toward uniformity will tend to destroy rather than enhance associations and individualities; and it is obvious to one who knows how much onomatopœia has influenced the development of our language that any logical and economic reprisals upon it would tend to destroy these cherished fabrics. In those words ending in *t* the gains and losses are about even. For instance, Whitman (who, in passing, will not be accused of super-refinement) gained a similar flavor by writing, "Hush'd be the camps to-day." The hush actually occurs at that moment. And so it is with *clipt* and *dipt,* etc. But *kist* is altogether wrong. It would only do for a parlor encounter with an aunt.

In poetry sometimes we linger and sometimes we jump, but in "practical economy" we are always on the jump. A spare and naked line has a unique beauty—a line like this one of Shelley's, without a superfluous ounce for the eye or ear:

> "But list, I hear
> The small clear silver lute of the young spirit
> That sits on the morning star."

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But a language that was committed throughout to that style would be poor indeed:

"Season of mists and mellow fruitfulness!"

"Seson of mists and mello frutfulnes!"

From a literary standpoint it is desirable, within limits, to have a choice between two or more forms, and especially has this been appreciated in the case of past tenses. Keats uses the *t* and the *'d* and the *ed,* and it is undoubtedly a gain to be set more free in this respect by the Simplifiers.

The final, and possibly most important, effect of the simplification would be the loss of variety itself. The eccentricity of a given word, such as *through* or *enough,* may seem to have little intrinsic merit, but it is of untold value to the literary artist that his material be diversified by these venerable prodigies. They help him to endow every phrase with a separate character. For every wild word or bundle of words that is trimmed down and fitted into a group, an invaluable resource is lost to the poet.

We boast that our language is not second to Greek in its power of conveying subtle impressions; a great part of this power rests in the infinite number of phrase combinations possible. The Simplifiers aim to kill this power. An irreducible conflict therefore subsists between the commercial interest and the art interest in our language, and that is why men of letters have been "the most vociferous opponents." That they not only are "the most vociferous," but that they will prove also the most effective, remains to be pointed out.

It has already been stated that æsthetic judgment was the sovereign power in developing and controlling our language. Nothing else could have steered us through the Norman period, the season of our wild oats, the ecclesiastical oppression, the barbaric influence of scholars and propriety men, of pedants and scientific regulars, of King Charles's French peacocks, and of the modern utility people. It is the exquisite sensibility of the English race that has conveyed to us through all these hideous onslaughts "a veritable power of expression, such as perhaps never stood at the command of any other people." I quote from Jacob Grimm, "In wealth, good sense and closeness of structure, no other of the languages at this day spoken deserve to be compared with it." But if the controlling interest in the past has

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been æsthetic, it is safe for the hopeful to assert that it will continue so in the future, and that, therefore, those who desire that English should become the language of the earth do not wisely begin by making an assault upon its wealth.*

The recurrent instinct of man is to cling to that thing which is not good *for* something, but good in itself. And that is why I believe that the artistic interest will reform the reformers. A few of their expedients will be chosen, are half chosen already; others will remain long as alternative forms; the language will clear itself and limber itself somewhat in response to the mania of expediteness that besets its American cultivators. The age will leave a characteristic mark; but it will leave, roughly speaking, only what is an addition to the wealth and not to the practical economy of its inheritance. A type of the usual arguments against simplification is that one which asserts that the forms of words are historic records significant of the interests of different ages, and that therefore we should leave them as they are. But if anything could be a better historic record, or more significant of this age, than the marks of violence left by its attempt to make the language *practical* I have to be informed of it. Such marks will undoubtedly be left upon the language, but they will be subservient to that general æsthetic development which so envelops the Simplifiers that they remain totally incognizant of its existence. The language as an immediate value will be a little enriched by the characters of this epoch, as history herself is a little enriched in interest by the arrival and passage of a period of frenetic commercialism. But the vast area of reform suggested by the Spelling Board is a futile thing to contemplate, because it knows only propriety and regularity and economy, whereas the true treasurers of the language are and always have been the knowers of its immediate beauty.

This is so certain that, but for the satisfaction of showing hands on the victorious side, it were futile to argue about it. And yet for those who actually fear lest the utility craze will swamp all things and leave them lying in its wake, there is a moral issue involved. It is their duty, if they believe in real wealth, to stand up for it. With entire truth the Simplifiers

* "English is remarkable for the intensity and variety of the color of its words. No language, I believe, has so many words specifically poetic." —*George Santayana, in "The Sense of Beauty."*

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point out that their critics have advanced no reason or valid argument against them. This may be because the lovers of beauty are too sure of her power to enter the lists. It may be because they are but dimly conscious of the reasons for their choice, and are confused between the values that they perceive to arise from habit and those which they know to inhere in the nature of the words. But, whatever the cause of their silence, it is clear that their opposition to the movement is arbitrary and self-justified and unanswerable. It is a difference of will.

There is, however, an allied reason for their opposition which is based upon an interest common to all parties. It is the interest in democratic culture. You can deduce from the examples and quotations given, that our inheritance of poetry and excellent literature will either survive in the old spelling or suffer immense mutilation. Reverence for the classics is the prime conservative element in the growth of language. And I believe that the classics will resist an arbitrary and extensive change in their spelling; they will not be profitably published in the revised forms. If I am right, it is obvious that a great change in the vulgar usage would at once set these monuments aloft out of the market-place. Our best literature could no longer flow in the minds of the people. It would be a written language, the genius of which would have to be learned. Therefore, it would belong to the scholars and the leisure class, as Chaucer already does. That this alienation of literature from lively speech is a peril always imminent, history can teach you. The recasting of our commercial language, by a committee of persons who acknowledge nowhere a tittle of the claims of beauty, is an invitation of this peril. This is proven when it is confessed that the Committee is chiefly opposed by men of letters. Either we will mutilate our inheritance or it will recede from us; a lover of beauty and democracy cannot accede to either alternative. That dilemma, added to an estimation of the immediate values to be lost, leads me, in spite of an irreverent nature and a natural inclination toward the bomb-shell, to turn my back upon this ill-considered revolution.

MAX EASTMAN.

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JAPAN'S CRUSADE ON THE USE OF OPIUM IN FORMOSA.

BY K. MIDZUNO, CONSUL-GENERAL OF JAPAN AT NEW YORK.

In the assembling at Shanghai of a Congress, international in its scope, whose aim will be to devise measures for regulating the use, but more especially for checking the abuse, of opium in any form or manner, there is promise of the betterment of conditions in general, but to none, unless it be to the Empire of China, will the work of the Congress be of greater service than to Japan's comparatively new possession, the Island of Formosa.

Though in China Imperial edicts have been repeatedly issued abolishing the opium trade and ordering officials to abstain and to induce others to abstain from its use, they have availed practically nothing. Great Britain is the chief importer of the drug in China, but has given assurance that if China is now in real earnest in the purpose to abolish its use, she will discontinue the trade.

Japan, Formosa, the Philippines, the United States and all other countries having political or commercial interests in China are more or less interested.

In the United States alone, according to the best authentic statistics and the assertions of the conservatives in positions to know, while but 100,000 pounds of opium can be used for medicinal purposes, 500,000 pounds are imported ostensibly for this purpose and an additional 150,000 pounds for smoking. And, further, seventy-five per cent. of the opium brought to this country is put to illicit use.

However, China is the nation most concerned, since it is there that the drug is in universal use and its sale, practically unrestricted, is producing untold havoc to the state, morally, industrially and commercially.

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Just what general changes such a Congress will bring about, it is not easy to foretell; but whatever reform such a move creates will be gladly welcomed by none more warmly than by Japan, since the habit of an indiscriminate consumption of this most potent drug can serve for nothing but ill among the natives of Formosa, and thus frustrate the benign influence she so earnestly hopes to exert upon the life of that island. So far as "Japan proper" is concerned, no great benefit can be derived from a closer control of the drug, for the Japanese Government has ever strictly adhered to an absolute prohibition of its sale. Not so, however, in Formosa, because there the conditions are materially different. In "Japan proper" and among the Japanese in Formosa, the tendency towards indulgence in opium is very meagre, and is growing less as new ideas and reforms gradually penetrate into the remoter districts. In Formosa, the population is practically of Chinese origin. As the consequence of the cession of the island by the Chinese Government to Japan, by virtue of the Shimonoseki Peace Treaty in 1895, the inhabitants, by their own option, became naturalized as Japanese subjects. Conditions abound in the island which render the use of opium a menace to all who reside there, and if not controlled bid fair to jeopardize the entire future of the new possession.

Formosa is the southernmost island ceded to Japan by China after the Chino-Japanese conflict of 1894-5. Its area is 14,978 square miles, and, according to statistics of date December 31st, 1907, it has a population of 3,193,708, of which 2,999,214 are of Chinese origin.

Among this great bulk of Chinese population the smoking of opium is universal. The habit is by no means, as is popularly assumed, confined to the male element, for the women are also quite as much given to its indulgence. Its use is an integral part of their lives, engrafted as it is upon their native customs as prominently as are the wearing of the cue and the binding of their feet—two characteristics which identify them as a people separate and apart from any other nation of the globe.

Nor is this most deplorable habit one that prevails solely among those in the lower walks of life. Such classes use it for the comfort to be derived from its unique physiological effect, while the well-to-do and the rich indulge in it because it is a time-honored feature of their social life.

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As is well known, the intemperate use of this drug is a menace to the individual, morally, physically and socially, as well as, sooner or later, mentally. These facts, then, suggest a most pertinent question: Why is its use in Formosa not prohibited or at least curtailed? The answer is that its use is being both gradually prohibited and curtailed. Another question arises: Why does not Japan enforce immediate and absolute prohibition? Again the answer is that no power of law, either human or divine, could effectually enforce such a prohibition at once. Besides, to endeavor to do so would be unscientific, regard being had to the natives from a humane standpoint, and quite futile as a means for promoting the advancement of the welfare of both State and people.

Even were not such considerations as these almost unsurmountable barriers to a sudden and absolute prohibition, there is one other which is paramount, *viz.*, the fact that sudden action in legislation on such a matter as this seldom brings about a permanent result. On the contrary, it is the reforms gradually imposed upon a people that retain permanency.

After long, calm and careful deliberation, on the part of the authorities, the conservative opinion was reached that little good —and, indeed, much injury, rather than even a temporary improvement—would result from any course pursued, except one involving slowly acting principles favoring gradual prohibition.

Japan believes it possible to bring about the desired result—finally to eliminate both the use and the abuse of opium in her new possession.

In 1900, the Japanese Government, after mature consideration, set about to put into practical operation the forces which had commended themselves as likely to be effective, and accordingly establish a so-called gradual prohibition which involved certain regulations, some of the objects of which were, first, to place the opium commodity under Governmental monopoly; second, to prohibit non-smokers from acquiring the habit; third, to require the registration of all habitual smokers, who thereafter would be allowed to purchase the drug only upon presentation of a license, this in turn being shielded by legislative rule; fourth, to encourage smokers to abandon the habit; and, finally, to impress upon non-smokers the baneful influences on morals and on all progress which so surely follow in the wake of the habit.

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In the brief period of seven years the Japanese Government has been gratified to find, through well and carefully compiled statistics, the signal success its initial crusade has met. The result certainly transcends the most sanguine expectation as to the efficacy of the methods introduced.

In 1900, Formosa had a population of 2,840,873, of whom 165,752 were licensed opium-smokers. In 1907, with a population of 3,193,708, there were but 127,477 licensed smokers. The decrease was gradual year by year, with the exception of a slight increase in 1902 and in 1907, due to a shifting of the population and to a reregistering and the compulsory registration of some habitual smokers who had evaded this requirement of the law.

Early in 1908, still more carefully compiled statistics showed that nearly 10,000 incurable smokers were registered, which (since their indulgence long antedates the year 1900, when the so-called gradual prohibitory measures were introduced, and preceded the compilation of the first statistical report which should have included them) brings the gradual decrease in the number of opium-smokers in Formosa to a point that is indeed very gratifying.

At such a wholesome rate of decrease, it is hoped, and it may fairly be expected, that within twenty years this new insular possession of Japan will be destitute of opium-smokers.

Such encouraging facts as the statistics present strongly confirm the wisdom of adopting a policy of gradual prohibition instead of an absolute and an acute withdrawal, so long as the control thereof rests with an effective administration.

Inconsistent as it may at first appear, the consumption of opium in Formosa is on the increase, the amount reaching as much as some 58,333 pounds. The reason, however, is evident when it is understood that, as the age of an habitual opium-smoker advances, so does the amount of the drug he consumes. The ratio of the age in such cases to the quantity consumed is approximately as one to three.

It is thus seen how the increased quantity consumed by the aged overbalances that which the normal number of new converts to its use would require were there any new converts being added. In other words, were it not for the effect of the prohibitory law now in force, the consumption would be the quantity now consumed *plus* that used by the new smokers.

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The entire opium trade of Formosa is under the absolute control of the Japanese Monopoly Bureau. The Bureau's income from this commodity alone is gradually increasing, the amount in 1902 being some 3,000,000 yen ($1,500,000) and in the past year 4,300,000 yen ($2,150,000).

One-half of the revenue of the Formosan Government is the income of the Monopoly Bureau, and the revenue on opium forms one-third of the whole income.

From these facts it is frequently alleged that Japan has a mercenary motive for not making her prohibition of opium in Formosa immediate and absolute; that she deplores the loss of the revenue therefrom which would be placed annually in her coffers. A clearer knowledge of the real facts, it is hoped, will soon satisfy the mind of any but the superficial or the biased that this is quite erroneous. The truth is that the Bureau of Monopoly has been expending annually no less than 3,000,000 yen ($1,500,000), and last year appropriated more than this amount for the purchase of the drug alone. To this sum must be added the expense of its manufacture and refining (since opium cannot be used in its crude state), and other processes of preparation for the market. Further, the cost of registering the consumers, and of the maintenance of a special police service which is indispensable must be taken into account. The recapitulation of these outlays leaves but a comparatively slender margin as the net profit, the amount for 1907 not exceeding 100,000 yen ($50,000), an amount too meagre to influence the state.

The much-mourned civil administrator of the island, the late Hon. Tatsumi Iwai, once publicly stated that the Formosan Government had an annual surplus of from 3,000,000 yen to 4,000,000 yen ($1,500,000 to $2,000,000), and that she would gladly surrender the small income from her opium trade in Formosa even were the profits double what they were. In this statement he voiced the sentiment of every conservative man in the administration.

It is not prohibition in itself that Japan objects to, for, indeed, she longs for the day when opium will have held its last séance in her possessions; but sudden and absolute prohibition she gravely deplores, because only too well does she comprehend that such a policy would frustrate the very result she is laboring

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to bring about. To withdraw immediately and absolutely from the victim of the opium habit so potent a factor in his existence would be near akin to the impossible, and quite within the bounds of cruelty, if not criminal.

As statistics indicate, there are to-day 127,000 opium-smokers in Formosa, and nearly, if not quite, all are among the very aged who have been used to its effects for many years. It is very seldom that new converts to its use are found since the introduction of the crusade.

Not what to do but how to do it is the question that confronts those who would forever eliminate the obnoxious and the hurtful from Formosa. The present need is rigidly to enforce registration, and to keep established a license system for those addicted to the use of opium, thereby confining its use to those who could not subsist without it. For the present generation and those oncoming, the superior advantages for the development of a higher civilization that are everywhere being gradually introduced, aided by such precautions as the so-called gradual prohibition project involves, offer every assurance, based upon definite facts, that ere long the wretched habit of the abuse of opium in the Island of Formosa will be a forgotten tradition.

K. MIDZUNO.

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DEFECTIVE INSURANCE LEGISLATION.

BY JOHN P. RYAN.

ONE of the important questions sure to come before the Legislature of New York State at its present session is the amendment of the so-called Armstrong Insurance laws. There has been an insistent demand from many sources for material changes in these laws. These demands are now based primarily on the figures and facts accumulated during the period which has elapsed since the laws went into effect. The public has not quite recovered from the shock caused by the revelations of the Armstrong Committee's investigation of the business of life-insurance, although that inquiry is now three years past. Many thoughtful persons and a portion of the press, therefore, hear with evidence of alarm the suggestion that the legislation enacted as a result of that investigation should be substantially amended.

One of the popular lectures of the late Dr. J. G. Holland, written in the early seventies, was entitled the "Social Undertow." The philosophy underlying it was that reforms, like the waves of a rising tide, go beyond the normal high-water mark of real purpose and desired results, and produce evils and dangers which were not anticipated. Has anything of this kind happened in life-insurance?

How has this great business been affected by the Armstrong investigation and legislation? It is impossible, of course, for any one to say definitely and exactly how much of the decline in the insurance business has been due to the abuses which the investigation disclosed, and how much to measures adopted to correct them. We are yet in the period of reconstruction, but there are many and grave complaints on the part of company managers, and these complaints are compelling serious consideration.

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Legislation enacted in times of great public excitement very often goes to harmful extremes, and it is soon found to need amendment, even though it may have been in the main wise and beneficial. This is very likely to be the case where legislators are compelled to grapple with a new class of abuses or dangers, which have developed in connection with the growth of a new type of business or a new phase of civilization. Something of this sort is discernible in the practical working of the Armstrong laws.

The Armstrong Committee made its report to the Legislature on February 22nd, 1906, and the legislation known as the Armstrong Laws was enacted under eight different statutes in April. The first act, providing for the election of directors in mutual companies, was amended on May 4th. Under the amended act, the elections were held on December 18th, 1906. The certificate of election of the new Board of Directors, in the case of one of the two large companies affected, was not delivered to the Company by the Superintendent of Insurance until June, 1907. This was not because the vote was close, as the new Board was elected by over 100,000 majority, but because it was a new subject of legislation and the law was faulty. In July, 1907, the amended act was amended.

Three other sections of the law were amended in 1907, and two additional sections in 1908, one of the latter amendments being passed as an emergency measure to enable certain companies to act with other bondholders in reorganization proceedings, freedom of action in the premises having been taken from directors of such companies under a section of the original Armstrong law. A bill amending Section 97, which limits the cost of new business, was passed in April, 1908, and vetoed by the Governor after the adjournment of the Legislature.

That life-insurance has been adversely affected by the Armstrong investigation and laws is shown by analyses of the figures of companies doing business in New York in 1907. The falling off in new paid business by New York companies was $176,000,000 in 1905, $275,000,000 more in 1906, and $113,000,000 additional in 1907, the actual business of the latter year being $446,000,000 as compared with $1,010,000,000 in 1904. Other-State companies show an increase of $42,000,000 in 1905, indicating how much they thrived on the misfortunes of their neighbors.

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This gain was changed to a loss of $31,000,000 in 1906, and to a further loss of $32,000,000 in 1907. During the three years preceding 1904, both classes of companies show a gain of $2,285,000,000 of insurance in force. During the three years following 1904, the same companies show a gain of only $747,000,000 of insurance in force.

The Superintendent of Insurance says that the section of the law limiting expenses for new business and defining the objects for which such moneys may be paid has been a cause of constant inquiry and controversy. The effect is declared to be calamitous, in that agency organizations and field forces have disintegrated and thereby demoralized the business of soliciting insurance. Further, he says, that it is alleged the law makes an ill-advised discrimination against domestic companies in limiting them to the standard form of policy, and to one of the two classes—participating or non-participating—while other-State companies are not restricted in either respect.

Eight small companies from other States withdrew from New York when the limitations and restrictions went into effect; one New York company has gone into a receiver's hands; another has reinsured its risks; and a third has ceased to do new business until it can accumulate additional surplus. The total expenses of another company in 1907 were twenty per cent. in excess of the amount allowed by law. One of the small New York companies, which was specially commended by the Investigating Committee, and whose new business was larger in 1906 than ever before, shows a falling off of over forty-four per cent. in new business in 1907.

Using the figures of twenty-five companies doing ordinary business in Massachusetts, it is shown that the figures showing low cost per $1,000 of insurance in force in New York companies and in the other-States group have changed places. Thus, in 1904 these figures were $10.62 and $8.34, respectively, while in 1907 they were $6.48 and $7.11, respectively. Attention may be called also to the wide difference between savings which result from actual economies, which have been considerable, and those accruing through default of business which have been very much greater.

Relative to the "suitable relation" between old and new business, Brown, the Boston authority, has worked out a table show-

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ing the effect upon different companies of writing more or less than $100 of new business for each $1,000 of business in force. He says:

"The facts brought out in the table on these lines are of peculiar significance from an economic point of view, as well as with reference to certain theoretical fallacies of recent enactment into law, as witness the following classification of results:

"(*a*) Of thirteen companies writing less than a ten-per-cent. volume of new business, nine lost business from their books in greater or less amounts, the saving in expenses as shown by the ratio being comparatively inconsequential.

"(*b*) In the case of the three leading companies a ten-per-cent. volume would have meant a gain of $88,975,000 in insurance in force as against an actual loss of $125,000,000, with an average expense ratio of $6.65 as against $6.18 actual, the difference of forty-seven cents being the proportional expense equivalent for a net difference of $213,975,000 in written business.

"(*c*) Twelve companies wrote $402,161,000, averaging 13.1 per cent. in volume, actual expense ratio $7.23 as against $6.98 on a ten-per-cent. basis, the difference of twenty-five cents being the expense equivalent of a relative gain of $94,341,000 in insurance in force. . . .

"(*d*) And finally: taking the figures of the companies as a whole, it will be seen that an all-round average of ten per cent. in volume would have meant $144,667,000 more business on the books at an additional cost represented by an increase of but twenty cents (per $1,000) in the expense ratio proper.

"All this when boiled down means that there can be no true economy in business transactions below the normal, or from which little or nothing is gained. Healthy expansion is an economical necessity, and no volume of business procured by proper methods and with due regard to quality can be too large. Within reasonable limits, its cost is in the nature of an investment rather than expense. Of this kind, moreover, is the business that stays, and by the same token the business that pays. Its inherent earning power will speedily recoup its cost, and in proportion as it remains on the books all concerned are partakers in its benefits."

The Armstrong legislation may be grouped, with respect to the subjects treated, under the following heads: (1) control of the companies; (2) investments; (3) *sub-rosa* methods; (4) limitations—with respect to contract forms, volume of new business, expenses incurred, amount of surplus held.

The investigation was primarily caused, as every one knows, by scandals which came to light with respect to the control of a prominent stock company. The investigation disclosed the

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fact that the policy-holders of mutual companies, who in theory elected the directors, took very little part in such elections and were offered few facilities for doing so.

To remedy this state of things, policy-holders in stock companies, whether stockholders or not, were made eligible as directors; such companies were authorized to give policy-holders the right to vote for directors; and provision was made whereby such companies might retire their capital stock and become mutual companies. The directors of all mutual companies were legislated out of office, and new elections were ordered under provisions of law which offered every facility for voting and for combined opposition to those in control, if such opposition existed among the insured.

No changes have been made in the control of stock companies under these provisions of law. The real work of former managements was found to be sound and effective and a new and higher standard of trusteeship has been developed, so that whatever was unethical has been discarded.

With respect to investments, the new legislation sought to end three methods which had either resulted in serious losses to the companies or which, it was held, were liable to do so. These were: the ownership or control of subsidiary corporations, which virtually subsisted upon the parent company and through which, by stock ownership, officers and directors were making large profits; the holding of real estate beyond the necessities of the companies' business requirements; and syndicate operations in the purchase and sale of securities, which were a dangerous enlargement of the functions of a life company as an investor. The remedial measures adopted were: provisions of law compelling the sale of all stocks, within five years from December 31st, 1906, and forbidding further investments in stocks; the sale of all real estate not required for the convenient transaction of business, within five years after acquiring the same, or after it shall be found unnecessary as above; and a prohibition of all syndicate operations and of all agreements with respect to security holdings.

With respect to real estate, discretion is allowed the Superintendent of Insurance to extend the time for such sales, in case it shall appear that a company's interests will suffer materially by a sale within the period fixed by law. No such option, however, is allowed with respect to the sale of stocks, in which such

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reductions as may be approved by that officer must be made in each year. The holdings of the companies, which must be liquidated prior to December 31st, 1911, appeared in their reports for December 31st, 1906, as having a par value of $58,988,635 and a market value of $127,334,751. Reports for December 31st, 1907, show holdings having a par value of $58,257,510 and a market value of $102,481,412. It appears, therefore, that the companies sold less than a million dollars, par value, of stocks in 1907, but that there was a reduction of nearly twenty-five millions in the market value of their holdings.

Insurance men say that comparatively few stocks were sold during 1908, which leaves the bulk of them to be liquidated during the next three years. These securities were purchased in good faith, when they were legal investments, and their subsequent outlawry and compulsory sale unquestionably involves a hardship for the companies. It is conceivable that a security once authorized might wisely be withdrawn from the list available for further investments, but the present requirement is an entirely different proposition, and the companies are likely to insist upon a ruling of the courts before obeying it.

What has been termed "*sub-rosa methods*" included political contributions, secret lobbying, payments without proper vouchers, rebates and incomplete and misleading reports. All these were forbidden, and it was made obligatory upon the Superintendent of Insurance to examine every company once in three years. Policy-holders were also given authority to sue in their own names for an accounting, if dissatisfied, and complaints of policy-holders may be made the basis of special examinations at the option of the Superintendent. To the mandates of the law under this head no objection has been made, and the companies have been actually delivered from burdens which had been in part forced upon them.

Serious objections have been raised to the limitations imposed on policy forms, volume of business, expenses and surplus. The limitation most complained of thus far under this head is that forbidding any New York company to issue both participating and non-participating policies. It has been always a question whether it was better to take the lower-priced policy without any share in surplus earnings, or pay more and get back the difference between the assumed and the actual cost. A few stock companies

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have made a specialty of non-participating insurance, but most of the companies have heretofore offered both. That New York companies cannot now do so places them at a disadvantage in competition with companies from other States, which are allowed to write both these forms of insurance under any form of policy they choose. In other words, the law limits New York companies, but leaves other-State companies free. If the law is for the protection of the insurer, then it would seem that only policies approved by the law should be issued in the State; and, if it is for the protection of New York companies, then it would seem that they should be allowed the same privileges as are accorded to companies from other States.

If we did not know exactly the reasoning that guided the Committee in framing the restrictions upon the amount of new business a company may do, we should be utterly at a loss to account for the principle, here for the first time enacted into law, of restricting a business which every one concedes to be beneficent in its nature and of great value to the State. The Committee declared that the business of three of New York's largest companies had grown "beyond reasonable limits"; that no useful purpose would be served by their becoming larger; and that their magnitude, if permitted to grow unrestricted, would soon become "a serious menace to the community." They found that their new business in 1904 averaged over $262,000,000 each and their terminations over $143,000,000 each; they, therefore, determined to limit their new business to $150,000,000 per year.

This put the large companies out of the running. Then the Committee expressed its conviction that "the release of the smaller companies from the strenuous competition of the larger ones would result in a severer rivalry among themselves," and that, "to secure their normal and not too hasty growth, proper limitations should be applied to them as well." This result they declared could be accomplished "by requiring that the new business should bear a suitable relation to the amount of business already in force." This "suitable relation" was thereupon decided to be a different ratio for companies of different sizes. Companies having less than $50,000,000 of insurance in force were not limited at all; companies having between $50,000,000 and $100,000,000 in force were limited to thirty per cent. thereof; companies with between $100,000,000 and $300,000,000 in

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force were limited to twenty-five per cent. thereof; companies with between $300,000,000 and $600,000,000 in force were limited to twenty per cent. thereof; and companies with between $600,000,000 and $1,000,000,000 in force were limited to fifteen per cent. thereof. It was further provided that no company should write in excess of one hundred and fifty millions in any calendar year. There was one exception to this scale; a company whose business was more than half industrial was to be allowed to write ordinary business to the amount of fifty per cent. of its old ordinary business, but not exceeding one hundred and fifty millions a year.

These "suitable relations" of new to old business are founded upon strange reasoning and lead to strange results—for example, that a company with less than fifty millions of insurance in force needs no limitation in order to secure a "normal but not too hasty growth," but that a larger company needs a limitation for the same purpose; that the "suitable relation" is different with companies of different sizes, and still different in case of a company doing both ordinary and industrial business. Application of the law gives the following results: Every time a company, in its "normal but not too hasty growth," passes from one class to the next larger, not only does the "suitable relation" become a smaller percentage of old business, but the actual amount of new business allowed becomes smaller. Thus, in passing from the first limited class to the second, a company's annual output would be cut down about $5,000,000 or sixteen per cent. of the amount allowed in the preceding year. In passing from the second class to the third, a company's annual output would be cut down about $15,000,000; and in passing from the third class to the fourth, it would be cut down about $30,000,000. In the latter case, the reduction would be about twenty-five per cent. of the business of the preceding year.

The conclusions of the Committee that the large companies are large enough, and that their new business should be practically limited to replacing terminations, can be understood, possibly; but the limitations upon other companies defy all logic and are entirely arbitrary. They are not only arbitrary, but they are contrary to the ordinary principles of an increasing business, and cannot possibly secure the "normal growth" which the Committee professed to desire.

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There was no subject upon which the Committee set out with more just observations or fairer promises than that of expenses; and there was none upon which they departed so radically from the principles which they had enunciated. This is what the Committee said:

"The Committee deems it inadvisable to recommend that the Legislature attempt to prescribe the expenditures of insurance corporations. The Legislature cannot undertake the management of the business. In seeking to secure economical administration, it should not overstep the line which divides suitable State supervision from an utterly impracticable effort to prescribe details. The Legislature should aim to permit freedom of management subject to general regulations and complete publicity."

The following are the limitations *imposed* and the details *prescribed* by Section 97 of the Insurance Law:

Total Expenses: Limited to (1) actual loadings upon premiums received; (2) actual investment expenses (not exceeding one-fourth of one per centum of the mean invested assets); (3) taxes on real estate and other outlays exclusively in connection with real estate, and (4) the present values of the assumed mortality gains during the first five years of the insurance, on the assumption that such gains will equal the following percentages of the table rate: for the first year fifty per cent., for the second year thirty-five per cent., for the third year twenty-five per cent., for the fourth year fifteen per cent., for the fifth year five per cent.

Expenses for New Business: Limited to (1) the total loadings upon the premiums for the first year of insurance received within the year; and (2) the present values of the assumed mortality gains for the first five years of insurance on the policies on which the first premium, or instalment thereof, has been received during the year as above described. First year's expenses are declared to include (*a*) commissions on first year's premiums, (*b*) compensation, not paid by commission, for services in obtaining new insurance, exclusive of salaries paid in good faith for agency supervision; (*c*) medical examinations and inspection of proposed risks, and (*d*) advances to agents.

Renewal Commissions: Limited to (1) five per cent. of the premium for nine years after the first year in case of endowment policies providing for less than twenty annual premiums; (2)

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seven and one-half per cent. of the premium for nine years in the case of other policies, provided that these values may be commuted on a basis approved by the Superintendent and distributed through three or more years, but not more than two-fifths of such amount to be paid in any one year; provided, further, that in any agency district, subject to the supervision of a local salaried representative, renewal commissions shall not exceed two-thirds of the foregoing rates annually for nine years; and also provided that not more than two per cent. may be paid for the collection of premiums in any year after the tenth year of insurance.

Further Limitations: No bonuses, prizes or rewards, nor any increased or additional commissions or compensation of any sort based upon the volume of any new or renewed business, or the aggregate of policies written or paid for, are allowed.

In the light of these numerous and specific limitations, it would be interesting to know what the Committee would have considered an "attempt to prescribe the expenditures of insurance corporations," and what it would have regarded as "an effort to prescribe details."

Limitations placed upon total expenses were evidently suggested by the nature of the contract. The "loadings" are added to the estimated net cost of insurance for the express purpose of providing for expenses and contingencies, and in a well-established mutual company they are sufficient. But, in a young company and in a non-participating company, it is different. A young mutual company uses nearly all its expense fund in getting new business and has too little left for administrative expenses; while a non-participating company, with its smaller "loadings," is severely handicapped. There are other legitimate resources which are available for expenses in such companies, such as the gain on lapsed and surrendered policies, and excess of interest over that required to maintain reserve. To limit the non-participating company to the loadings and mortality savings is virtually to compel it to save all other margins for distribution to stockholders.

A well-considered limit to total expenses might be justified on the ground that the State is in duty bound to find some proper basis of competition, as well as to compel such accumulations as will insure the fulfilment of contracts. But many will hold

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that beyond this the State has no right to go. In undertaking to say what a company shall pay for new business and how it shall pay it, the State virtually fixes the wages of agents and undertakes to manage the details of the business. State supervision really has nowhere else gone so far on the road toward socialism as it has in the Armstrong laws.

It is instructive to note in this connection how the Committee justified the limit imposed on expenses for new business. It selected from the thirty-two companies making their reserves on the full net premium basis the three whose expenses for new business showed the lowest percentage to first year's loadings and mortality gains; and, having ascertained that such expenses would come within these two items if the mortality gains of the four following years were included, it assumed that a proper standard had been found. But methods of compensating agents are different in different companies; one pays larger first year's commissions and smaller renewals; another pays smaller first year's commissions and larger renewals. It may amount to the same in the end, or the company which makes the better showing on first year's expenses may pay more in the end.

A comparison of the Committee's three "model" companies with the three largest New York companies known as the "giants" shows the following results: Percentages of renewal commissions to renewal premiums in the "models" in 1904 were 7.68 per cent.; in 1907, 7.74 per cent.; in the "giants" in 1904, 4.93 per cent.; in 1907, 3.34 per cent. Renewal commissions are paid through a series of years; first year's commissions are paid but once. The percentages of actual expenses for new business in 1907, to the amount available for new business under the law, were: in the "models" 91.8 per cent.; in the "giants" 88.8 per cent. The percentages of total expenses to the amount available or total expenses under the law, in 1907, were: in the "models" 64.5 per cent.; in the "giants" 59.8 per cent. The expenses per $1,000 in 1907 on business in force January 1st, 1907 (that is, total expenses less expenses for new business), were: in the "models," $4.44 per $1,000; in the "giants," $3.35 per $1,000. So models change with a change of view-point.

The limitations with respect to new business and expenses became operative on January 1st, 1907, and the results of the year were so disastrous that the Legislature of 1908 was petitioned for

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relief. After much discussion, a bill was passed by the Legislature amending Section 97 as follows: (1) the cost of medical examinations and inspections of proposed risks was excluded from the items chargeable to first year's expenses; (2) first year's commissions were limited to fifty per cent. of the premiums; (3) the number of renewal commissions allowable was increased from nine to fourteen, but the rate of the last five was made five per cent. on both classes of policies; (4) increased compensation over that agreed upon, but within the limitations of the law, based upon volume of business renewed, was allowed; (5) collection fees allowable were made three per cent. after fifteen years instead of two per cent. after ten years; (6) a company was allowed to compensate its agents, or any of them, in whole or in part, by other methods to be approved by the Superintendent of Insurance, provided the value of the aggregate should not exceed the value of the aggregate allowed under the law either in the first year or thereafter; (7) any New York company originally organized as an assessment company, but now doing business on the legal-reserve plan, was to be exempt from the provisions of the law respecting total expenses until January 1st, 1912.

Each of the numbered clauses above has a history, and was designed to correct some inequities in the original law—so difficult is it to legislate with respect to the details of any great business. The bill was a compromise; it embodied the minimum of relief asked for by the companies, and was supposed to be acceptable to the Executive. It passed by a practically unanimous vote, but was vetoed by Governor Hughes, after the adjournment of the Legislature, chiefly on the ground that its principal feature, "(1)" above, "would permit unwarrantable outlays and facilitate a return to the injurious conditions of past years." The report of the Superintendent of Insurance, since published, covering the business of 1907, shows that this item, in the companies doing an ordinary business, was about fourteen per cent. of the total expenditures for new business, and about two and one-half per cent. of total expenses. It was included in general expenses in the proposed amendment of the law on the ground that these charges were incurred by the companies in efforts to obtain new business, and must be paid whether the risks proved acceptable or not.

A paternalistic regulation of details was attempted. A stand-

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ard policy was adopted embodying the best features of existing policies, and the issue of others inconsistent therewith was forbidden. A standard of expense was adopted including so many details that the companies are hampered and agency systems disorganized.

The standard policy requires distribution of surplus annually as earned; publicity provisions require an annual statement of dividends paid under each class of policies. Under a standard policy, competition between companies in good standing will, therefore, hinge chiefly upon the amount of surplus returned, and every company will be likely to return as much as possible with due regard to safety. The danger will be that too much will be returned rather than too little. But the Committee was still dominated by the fear of big things and placed a limitation upon surplus.

Propositions are sometimes made which are so unjust as to excite indignation and protest; others are made which go to such extremes as to excite ridicule—it is not possible to believe that they are made upon due consideration and in good faith. That proposition of the Committee with respect to the limitation of surplus excited ridicule. It recommended the limitation of surplus according to a sliding scale of percentages of policy liabilities, beginning with twenty per cent. for the smallest company and gradually diminishing until, for a company with policy liabilities of $500,000,000, *it should not exceed two per cent.* The supposition that the contingencies for which surplus provides would diminish in inverse proportion to the size of the company, and that two per cent. would cover them in any company, is obviously absurd. Yet the Committee was in earnest, and was with difficulty persuaded to make the lowest limit five per cent.

Declines in the market values of securities in 1907 were so great that a conference of Insurance Commissioners, called for the purpose, declared itself "as favoring an average value for the year 1907 by taking the mean of market prices on the first day of each month in the year and the 31st day of December, and dividing the aggregate by thirteen," except in cases where exceptional facts warranted a departure from the rule. The stocks and bonds of twenty-eight companies doing business in Massachusetts in 1907 showed a depreciation, including profit and loss, of $112,747,104, being 4.6 per cent. of policy liabilities

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and 7.68 per cent. of the book value of such securities. In seven companies there was an aggregate depreciation of $92,080,893, being 6.13 per cent. of entire policy liabilities and 8.32 per cent. of the book values of the securities themselves.

In Great Britain, where practical life-insurance had its birth, there are a few general laws for its regulation. They forbid wager policies, require a small deposit with the Accountant General of the Court of Chancery, provide for valuations of policy liabilities, define the rights of the insured, and require the deposit of annual reports with the Board of Trade. These reports are of such a character as to enable the insured to form a judgment respecting the soundness of the companies, and the examples of dividends paid indicate the economy with which they are managed. During the excitement in this country over the Armstrong Investigation, the House of Lords inquired into the general subject of Life-Insurance Companies by a Select Committee which reported in July, 1906. Two of its recommendations were:

"(5) The Life-Insurance Companies Act of 1870 seems, on the whole, to give general satisfaction, inasmuch as it insures a full measure of publicity in the accounts of all British Insurance Companies and gives ample legal remedies to policy-holders."

"(7) The Committee believe that experience has proved that the best means of guarding the interest of policy-holders in all Insurance Companies is by insisting on the fullest openness in the accounts of such Companies."

State supervision in Germany and in Switzerland is more thorough than it is in any State in the Union—that is to say, the methods adopted and the reports required are more comprehensive and scientific, and results arrived at are more significant. But in none of these countries are there any such paternalistic conditions imposed as under the Armstrong laws. In Germany, commissions on new business are limited to two per cent. of the amount insured, but there are no other limitations on expenses and none on new business or surplus.

American life-insurance—especially that part of it which is done by New York companies—appears to be suffering from too much legislation, some of it at least based upon fear and arbitrary opinion, rather than upon well-considered principles of State supervision.

JOHN P. RYAN.

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NEW BOOKS REVIEWED.

BY WALTER P. EATON AND EDWARD PORRITT.

"THE WINTERFEAST."*

THE motto of Charles Rann Kennedy's new play, "The Winterfeast," might well be taken from Coventry Patmore's "*Magna est Veritas*":

> "When all its work is done, the lie shall rot,
> The truth is great, and shall prevail,
> When none cares whether it prevail or not."

Indeed, there is a hint of resemblance between Patmore, the Catholic mystic, and Mr. Kennedy, the Socialist. Both have an ironic kind of humor that may break forth at any time to the distress of the literal-minded; both have a preoccupation with symbols; above all, both are prone to push a point to the verge of extravagance in the interests of a moral idea. In "The Servant in the House" Mr. Kennedy wrought with temperance, however, and produced a play emotionally effective and morally sound and sane. In "The Winterfeast" he has wrought to less effect because of his too great preoccupation with the moral idea. In his effort to drive home the lesson that a lie breeds trouble and tragedy even unto the second generation he has pushed even truth of incident, even probability of external events, off the stage, and involved his characters in an arbitrary and artificial chain of circumstances. In "The Servant in the House" the beauty of truth and love was illustrated by a change in the characters themselves. In "The Winterfeast" the ugliness of lies and hatred is illustrated not by any change in the characters, but by external evils arbitrarily thrust upon them. That is why, primarily, it seems to me, "The Winterfeast" must take a lower

* "The Winterfeast." By Charles Rann Kennedy. New York: Harper & Brothers.

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place, even as closet-drama, than Mr. Kennedy's earlier printed play. (In actual writing, I believe, "The Servant in the House" is the later.)

But that is not to say "The Winterfeast" does not amply repay reading and study. Its scene is Iceland, its time, 1020 A.D. It will thus recall to many Ibsen's "The Vikings at Helgeland," not for any similarity in dramatic theme, but because Viking dramas are so few, plays of this grim, stormy, bloody age of fighting folk, under a hard northern darkness. In dramatic theme, at any rate in dramatic method, it will rather for two acts recall Ibsen's mature tragedies, as they in turn recall Sophocles. Mr. Kennedy in the first acts of "The Winterfeast" reveals himself as the born dramatist. He seizes his story after a long antecedent train of circumstances has brought the tragedy to head, and in a supposed space of time coincident with the time of performance makes clear what has gone before while unfolding his catastrophe. The exposition of past events occupies but a part of act one. It is made in the most difficult and masterly fashion; it is made in a scene between two men who are themselves in dramatic struggle even while they explain the plot. When the exposition has been made the reader or auditor is not so much aware of what has taken place as tinglingly expectant of what is to come. Here is dramatic writing of the highest order, writing that should be studied by every budding dramatist.

The antecedent story is this: Thorkel, an old Viking, twenty years before took Bjorn, his warrior foster-son, away on an expedition to "Vineland"—presumably America—that Herdisa might be weaned from love of him to love of Valbrand, a skald, Thorkel's blood son. Thorkel made his way back to Iceland alone, after many adventures, and thinking himself the only survivor of the expedition, told his one lie. He told Herdisa that Bjorn had sent her a message of hate. In a passion she married Valbrand immediately. By him she had a daughter, Swanhild. The curtain rises on this family twenty years later. Thorkel has a traditional enemy, Ufeig, a priest, who in some manner not explained has come into knowledge of the ancient lie. We see him binding Thorkel to a peace by threats of exposure, and binding Valbrand to peace also by telling him the secret of his false winning of Herdisa. Of course, Bjorn comes back. He enters out of the black night, out of the mystery of the past, as un-

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aware of the lie as Herdisa. Her he still loves; him she still hates for his supposed ancient flaunting of her. Only the husband, the father and the priest, know the truth. The family feast, all at cross purposes. There is the sense of impending revelations, catastrophes, in the air. Finally Herdisa and Bjorn are left alone. Now, you think, the truth must out at last! You tremble to fancy how this warrior Bjorn will roar when he learns of the lie. You wonder what effect it will have on Herdisa's attitude toward her husband, toward her ancient lover. Will it drive her to sin or to despair? But the truth does not out. In the most arbitrary manner, contrary to all common sense, to all human character in any land in any age, Mr. Kennedy causes Bjorn, though he discovers a lie has been told, utterly to fail in telling Herdisa it was a lie, in explaining what message he did send to her, in making any effort whatever to straighten out the tangle. She blunders on in what is now unexcusable darkness, not the darkness of Fate, but of the dramatist, and sends her husband forth to kill her lover. It is at this point that "The Winterfeast" as a stage work goes to pieces. With splendid power and directness it brings its action to a crucial situation—and then disappoints all reasonable expectation, violates all probability, and by striving too hard to suggest the fatality of circumstance misses fatality altogether.

From this point on to the end each catastrophe is conditioned by some misunderstanding, some arbitrary physical circumstance, swords shifted, relationships unrecognized—a tangle of artificial plot that has nothing to do with human wills, with the expression of character. The reader can follow the story well enough; the spectator in the theatre is quite bewildered by its complexity and soon loses interest. As death on death piles up, supposedly the result of the initial lie, he begins to suspect they are rather the result of arbitrary and improbable dramatic structure, and they cease to be tragic for him. By failing at the end of his second act to trust his characters, to let them do the natural thing, of which the consequences would surely have been quite as tragic, if swifter, Mr. Kennedy has failed to make his play effective in the theatre. He has broken its back in the middle.

"The Winterfeast" is written in William Morris English—that is, with a smattering of archaic words and inversions to give it requisite atmosphere. There are some good people whom

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this always offends. Undoubtedly for proper appreciation it requires a literary background in the reader's consciousness. The play is written with but one spark of humor, which seems rather a pity, since Mr. Kennedy's humor is of the ironic sort that would have fitted well with his theme. There is tragedy in humor; recall the Hostess's description of Falstaff's death in "Henry V"! It is written, of course, in prose, but in prose that falls at times into stretches of almost unbroken iambics and is divided now and then into balanced dialogue which seems dimly struggling for musical accompaniment. Witness, for instance, this passage between Bjorn and Herdisa, as they call back a tense scene out of their past:

"HERDISA: Lo, there, the mighty chieftains and the thronging of the folk! . . .

BJORN: The flashing of great battle-axes and shields upon the walls! . . .

HERDISA: Swords aloft, like deadly flames of war! . . .

BJORN: Beakers afoam, with gladness of the mead! . . .

HERDISA: There was a cry rang forth from the heart of man to man! . . .

BJORN: And the joyous thunder of great voices lifted loud in praise! . . ."

Even in the reading, even building with the imagination from meagre stage directions, without the aid of Miss Edith Matthison's glorious, deep voice and tragic eyes and Walter Hampden's Viking height and sonority, the room in which all the action transpires is peopled with barbaric figures, shelters a red inglenook walled in from the black dark and storm of a frozen north, echoes to the clamor of great swords, is grim with the blood and hate of a vanished age. There is power, imagination, the dignity of a fine purpose behind this drama. It would stamp the author as a man to be reckoned with, had he never written "The Servant in the House."

Indeed, to the critic who looks more than at a play's momentary acceptance by a Broadway audience, Mr. Kennedy's very failures in "The Winterfeast" are tokens of a knowledge and an ideal transcending the usual playwright's aims or powers. Readers of "The Return of the Native" will remember what an appalling sense of blind, cruel Fate was imparted by the circumstances of Mrs. Yeobright's death. Merely because Eustacia thought

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Clym was awake when he was asleep, and so did not answer the mother's knock, a woman's heart was broken. Greek drama, of course, is full of Fate's apparent capriciousness, though the Greeks did as Mr. Kennedy strives to do—made Fate the agent of a moral law. The effect which Hardy achieved, which the Greeks achieved, Mr. Kennedy has striven for in his latest play. That he has not quite found it is perhaps of less consequence in our too often trivial American theatre than that he has dared to make the effort. He has erred in execution, not in intention. He has made Fate too capricious, so much so that its caprice becomes a perverted law of his drama. The moment came for his characters to take Fate into their own hands, and they did not do it; thereafter they cease to interest as human beings. But his aim was high, even his partial accomplishment a sign of better things on the American stage.

WALTER PRICHARD EATON.

THE REVOLUTION IN PARLIAMENTARY GOVERNMENT IN ENGLAND.*

Two recent statements of English Parliamentarians, one by Mr. Asquith in the House of Commons on July 31st, and the other by Mr. T. G. Bowles at the annual Constitutional Congress in London on August 8th, 1908, admirably make plain the task which Professor Redlich has accomplished with so much success. Professor Redlich's success in his great and self-imposed task of writing "The History of Procedure of the House of Commons" is indeed so marked that Sir Courtenay Ilbert, the Clerk of the House, in his introduction to Mr. Steinthal's translation, begins with the statement "that it has been left to an Austrian scholar to accomplish a piece of work which some competent Englishman ought to have undertaken long ago," and "to fill a conspicuous gap in English constitutional literature."

The first half of the Parliamentary session of 1908 began on February 3rd and came to an end on July 31st. The House met on the 12th of October for the second half of the session; and it was on the eve of adjournment for the recess, on July 31st,

* "The Procedure of the House of Commons: A Study of its History and Present Form." By Josef Redlich. Translated from the German by A. Ernest Steinthal. With an Introduction and Supplementary Chapter by Sir Courtenay Ilbert, K.C.S.I. Three Volumes. Pp. xxxix., 212, 264, 334. Archibald Constable & Co., London.

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that the Premier moved the resolution which is of significance in connection with Professor Redlich's book. Mr. Asquith's motion was:

"That for the remainder of the session—that is, from October 12th to the end of the session of 1908—Government business should have precedence; and that at the conclusion of the Government business on each day the Speaker should adjourn the House without question put."

By this motion, which was carried without a division, it was determined that only Government business should come before the House in the remaining weeks of the session, and that in these weeks private members should be accorded positively no opportunities for advancing bills of which they were in charge that had passed their earlier stages in the first half of the session.

"'The effect of the closure and the guillotine,' said Mr. Bowles, in a speech made at the Constitutional Congress, 'was that the House of Commons had ceased to be a deliberative assembly. It was hurried and hustled through bills which it had scarcely seen, much less considered or debated, and had become little more than a register of the will of the minister. It had consequently ceased to be the object of the public interest which had once attended its proceedings. The Prime Minister was no longer the minister of the King. The King was rather his minister. The most striking features of modern constitutional practice were the greater preponderance of the Prime Minister and the decrease of the liberties of the House of Commons.'"

Less than thirty years ago Mr. Asquith or any other leader of the Government in the House of Commons could not have proposed such a motion as that submitted on the eve of the autumn recess; and it would have been equally impossible for any experienced and responsible Parliamentarian, such as Mr. Bowles, to have made the statement concerning the closure and the guillotine and the preponderance of the Prime Minister in the internal economy of the House of Commons. As recently in English history as the first assembling of the Parliament of 1880-85—the second Parliament in which Gladstone was Premier—there was no closure rule; private members' rights, as they had been developed and recognized in the preceding centuries, had scarcely been curtailed or impaired; and Government control over the time and work of the House was little more complete than when Lord John Russell, Lord Althorp and Sir James Graham were piloting the Reform Act of 1832 through the eighteen separate stages which then awaited a bill in the House of Commons. Between

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the first session of the Parliament of 1880-85 and the third session of that elected in 1906, by resolution or vote of the House, with no action by the House of Lords, and no assent by the Crown—by a few changes in the rules in this session, and a few more in the next—there had been brought about a change in the working of the British Constitution which amounts almost to a revolution.

In this period, which covers less than thirty years, there had been a development well-nigh as significant and as far-reaching, as that which took place in the sixty years which followed the Revolution of 1688, when the system of Government by Cabinet was slowly evolved. Professor Redlich describes this evolution as a committee of the House of Commons and of the House of Lords representing the political party having a majority in the Commons which came into being to stand between Parliament and the Crown, and which gradually drew to itself the large and varied powers which to-day are exercised directly or indirectly by the Prime Minister and his Cabinet.

It was left to an American student of English constitutional history* to trace in detail the changes and processes by which in the eighteenth century the Cabinet came into existence; and, as Sir Courtenay Ilbert reminds students of British constitutional history, it has been left to an Austrian scholar to make intelligible the process by which the Prime Minister in 1908 has become supreme in the House of Commons, and now exercises there the enormous powers to which Mr. Bowles complainingly referred at the Constitutional Congress.

This revolution in procedure of the House of Commons did not really have its beginnings until 1879 or 1880. Some changes in procedure were obviously necessary as early as 1833, when the reformed House of Commons settled down to work, and claims on the time and attention of Parliament due to the extension of the franchise in 1832 began to increase. A few changes were made between 1832 and 1879. None of them was of moment; and it was not until the Irish Nationalists, under the lead of Parnell and Biggar, so developed the art of obstruction in the closing years of the Parliament of 1874-1880 and the early sessions of that of 1880-85, that deadlock confronted the Government and the House, that momentous changes in the rules of procedure began.

* "The Development of Cabinet Government in England." By Mary Taylor Blauvelt, M.A. New York: Macmillans. 1902.

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Professor Redlich might well have begun at 1867. He might have taken the Reform Act of that year as his starting-point; for it was the extension of the suffrage to all householders in the boroughs of England, Scotland and Ireland in 1867 which made the Home-Rule movement, led first by Butt and later by Parnell, a factor in the House of Commons at Westminster, and a force which both Conservative and Liberal Governments for self-preservation's sake were compelled to curb. But with a thoroughness and scholarly care which are the marked characteristics of his work, Professor Redlich has gone back to the very beginnings of the House of Commons; and with the aid of a chapter covering the years 1905-07, contributed by Sir Courtenay Ilbert, he has written the history of procedure from the time of the Rolls of Parliament—1278 to 1503—down to the session of 1907, when there were further changes in the rules intended (1) to economize the time of the House; (2) to give the Government more control over the time and business of the House; and (3) to enable the House to adapt itself to altered social conditions due to the incoming in 1906 of an increasing number of middle-class professional and business men and of fifty or more direct representatives of labor.

One remarkable fact in the history of procedure between 1278 and 1879 is that except for some minor changes made after 1832, such as an estop to speeches when members presented petitions, the ruling out of order of discussion at first-reading stage of a bill, and the conferring upon Government to a limited extent of a right of way for supply, the rules on which the House of Commons was working from 1867 to 1879 were in the main the rules which had been devised in the far-away period between the reign of Henry V and the beginning of the Journals of the House in 1547. In this year Edward VI assigned to the Commons as their meeting-place the beautiful chapel of St. Stephen's; and it was in this chapel that the House held its sessions until the fire of 1834, which demolished the chapel and a large part of the old and famous palace of St. Stephen's. In the reigns of Henry V and VI legislation by bill—that is, according to the present form at Westminster—had been gradually substituted for legislation by petition, which was the earliest method of procedure. The Journals of the House were begun when the Commons migrated from the Chapter House at Westminster Abbey to St. Stephen's; and

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some time between the adoption of legislation by bill and this migration of 1547 there had come into service the present-day procedure of reading a bill a first time as a formal stage, reading it a second time that its principle might be accepted by the House, sending it to committee for consideration of clauses and details, reporting it back to the House, and finally reading it a third time, before it was sent to the House of Lords, for almost exactly similar stages there, and then for the Royal Assent.

As far as can be ascertained from the Journals and existing records of debates and from political memoirs, the need for changes in procedure was never recognized or discussed in the House of Commons until the eve of the Reform of 1832. The ancient rules worked smoothly and well, because as long as the old nondescript and corrupt electoral system survived six-sevenths of the members of the House were quite indifferent as to what their constituents thought of their conduct in Parliament. Sessions in those days were short indeed as compared with present sessions. Until the second and third decades of the nineteenth century, there were no popular and long-sustained demands for legislations, no great measures of constitutional or administrative reform which engaged the House for weeks or even months at a time and aroused a corresponding degree of popular interest outside the walls of St. Stephen's. Until political life in England began to quicken—that is, until the long struggle with Napoleon was at end, and the newspaper press began to be a power—there were no demands from the Irish members. The forty-five members from Scotland at this time were always able to secure with ease and expedition any legislation for Scotland on which they were agreed. Few English members had any disposition to Parliamentary activity that they might stand well with their constituents. Fewer still took a continuously active interest in public business. This, moreover, was the period in which the governing classes were in the heyday of their power; in which the principal business of the Government of the day concerned defence, police and administration; and when the finance bill was usually the most important enactment of the session.

Need for change in the rules, especially for changes which would economize the time of the House, began to be admitted as soon after the Reform Act of 1832 as 1837. But, although there were investigations of procedure by select committee in 1837 and

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again in 1861, 1869, 1871 and 1878, there were no important changes until the highly systematized and continuous obstruction of the Irish members in the early years of Parnell's influence in the Home-Rule movement brought matters to a grave crisis and compelled the House, under the lead of the Government, to some remodelling of its ancient procedure. Since the first cautiously made changes in the rules in 1879, numerous more radical changes have followed; and it is for this period that Professor Redlich's work is of chief value to Parliamentarians, and to students of the history and working of representative legislative institutions. It has this value because there is not in print in any language any other book from which the why and the wherefore of the recent great reforms in procedure at Westminster can be learned. In Professor Redlich's pages, where he brings the history down to 1905, and in Sir Courtenay Ilbert's supplementary chapter, there is an examination of the circumstances which forced the House to make these changes. There is also an exposition of how these changes have accelerated the important business of raising and appropriating supply and general legislation for which the Government has assumed responsibility; of how private members' opportunities of carrying measures through Parliament have now been tapered off almost to the vanishing-point; and of how the changes in the rules giving the Government almost complete control over the time-table and business of the House have revolutionized the relations of the House to the Government.

Control of the time of the House by Government has been secured (1) by means of rules which make it possible for the Government to determine the exact time that shall be set apart for discussions in committee of supply and also the date by which all supply shall have been voted; (2) by rules which give the right of way to Government business; and (3) by rules which admit of the procedure now known as closure by compartment, and sometimes described as the guillotine. The most important changes for the effective saving of time are those of 1907. By these, instead of bills which have passed second reading going to committee of the whole House, they go almost automatically to large standing committees, where procedure is almost the same as in committee of the whole; and then come to the House for report stage and third reading.

EDWARD PORRITT.

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WORLD-POLITICS.

LONDON: BERLIN: WASHINGTON.

LONDON, *January, 1909.*

OF the Acts of Parliament that came into force on January 1st, easily the most interesting and the most important was the Old-Age Pensions Act. Its passage must be reckoned the outstanding achievement not only of the session but of the entire Parliament. No more fateful measure has been sanctioned by the House of Commons in my time. It marks a gigantic and irrevocable step in the extension of State activity and aid, and its financial, social and political results cannot be other than profound. On New-Year's Day over half a million men and women in the British Isles trooped into the nearest post-office and drew their first pension of from twenty-five cents to $1.25. On every successive Friday so long as they live they will do the same. The qualifications are that the claimant shall be more than seventy years of age, that his or her income must not exceed $157.50 per annum, that he or she must be a British subject and must have resided in the United Kingdom for twenty years. The disqualifications are (1) receipt of Poor Law relief since January 1st, 1908—this disqualifies till the end of 1910—or the receipt of such relief in the future; (2) detention in a lunatic asylum; (3) conviction and imprisonment without the option of a fine—this disqualifies for ten years; and (4) habitual failure to work for the maintenance of self and dependents—a disqualification, however, which does not apply if certain evidences of thrift be forthcoming. All persons who fulfil the prescribed conditions, who are not disqualified, and whose income does not exceed $105 a year are entitled to $1.25 a week. Those with larger means draw a proportionately smaller pen-

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sion, and those with incomes above $157.50 a year stand outside the Act altogether.

Such are the main provisions of this revolutionary measure. The Press, the Government and the local bodies have done everything possible to make them known throughout the length and breadth of the land, and the percentage of those who, being qualified for a pension, have failed to claim it must, I should think, be infinitesimal. Up to December 5th, the last day for which official figures are as yet obtainable, 690,000 applications had been received. Of these 490,000 had been passed and 51,000 disallowed, while 105,000 had been only partially investigated and 43,000 had still to be taken in hand. It is clear from these figures that Mr. Asquith's first estimate of 500,000 persons eligible for pensions was considerably below the mark. The proportion of rejected to admitted claims so far has been about one to ten, and assuming that proportion to hold good in the case of the 148,000 applications that still await adjudication, the full list of pensioners will total not less than 620,000. Accordingly, it is probable that the Chancellor of the Exchequer's final estimate of $37,500,000 as the total cost of the first year's working of the scheme will not be greatly, if at all, exceeded. This in itself, however, is quite a respectable sum to add to the national expenditure as a permanent annual charge, and though Mr. Lloyd George professes not to be dismayed, the Tariff Reformers confidently predict that Old-Age Pensions will end by making Protection inevitable.

No one in Great Britain expects either the number of pensioners or the sums allowed them to remain at their present figures. It is as certain as anything can be that the qualifying age will eventually be reduced, that pensions will be calculated on a scale of increasing liberality, and that the various restrictions that at present surround the grant of them will one by one be done away with. The half million decisions that have already been returned under the Act have disclosed an abundance of anomalies, "hard cases," and downright absurdities, and it is not too soon to prophesy that the provision which insists upon twenty years' residence in the United Kingdom as a necessary qualification for a pension, and the further provision that bars out a claimant who has received Poor-Law relief in 1908, will both be amended out of existence. It is absurd that a man who has

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never received relief from the rates except in 1908 should be disqualified, while a man who received it for the dozen preceding years, but was able to do without it in 1908, should be entitled to draw his $1.25 a week. This part of the Act, however, is admittedly provisional and the clauses relating to it are limited to a duration of two years, by which time, it is hoped, the reform of the Poor Law, which is the great work ahead of the Government in 1909, will have been accomplished.

Of the 690,000 claims for pensions nearly 384,000 have come from England, 25,000 from Wales, 71,000 from Scotland, and 209,000 from Ireland. The Irish figures have attracted universal attention. They are a desolating proof of the straits to which the country has been reduced by sixty years of incessant emigration. The population of Ireland is less than that of Scotland, yet the number of applicants for pensions is three times as great. The County of London has half a million more inhabitants than Ireland, but only a fifth as many candidates for support by the State. In Ireland the claimants number one in 21 of the population, in Scotland one in 67, in England and Wales one in 86, and in the County of London one in 117. No doubt a good many of the Irish applications are merely the result of the sanguine and speculative temperament of the people, but eight out of nine of them seem to stand a fair chance of passing the Pension Officer's scrutiny. When all deductions, however, are made the enormous proportion of old people in Ireland remains a significant phenomenon.

All through the Kingdom many pathetic scenes were witnessed when the great day arrived. The gratitude of the pensioners, when what had seemed for so long "too good to be true" materialized in silver coin across the counter, was a spectacle to move the heart of the sternest economist. One old lady presented the postmaster with the wing of a goose, impressing upon him the value of the quills for pens. Many pensioners were accompanied by large parties of friends to see them through the ordeal. The queerest rumors had obtained currency. One pensioner, an Irishwoman, refused at the last moment to take the money, being convinced that it came from the Salvation Army. Another was hardly to be persuaded that the receipt of it did not involve conscription for her sons. Many believed that there would not be enough money to go round, and gathered outside

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the post-offices hours before they were opened in order to be the first to be served. Many others doubted even to the last whether it was not all an incredible fairy-tale. All over the country wealthy people celebrated the day by entertaining the pensioners of their neighborhood to tea and dinner. The kindness, patience and helpfulness of the post-office officials and of the general public when a pensioner presented himself with his book of vouchers were delightful to watch. The right of way was given him unmurmuringly. Nobody seemed to mind how long he was kept waiting, so long as the aged and infirm claimants were promptly attended to. There was a universal conspiracy to make the pensioners feel that everybody shared in their happiness; and one could hardly go into a post-office on the prosaic business of buying stamps or despatching a telegram without finding one's self in the midst of some little demonstration of joy and thankfulness. It was very noticeable, too, that the pensioners accepted the bounty of the State not as an invidious form of relief, but as an honorable reward. Old soldiers went with medals on their breasts, and most of the civilian applicants donned their "Sunday best" for the occasion.

While pensions monopolize, for the moment, the domestic interests of Englishmen, India holds the first place when they turn their thoughts to the problems of Empire. Nearly three weeks have passed since Lord Morley announced his scheme of reforms. They have been weeks of lessening tumult in India and of many demonstrations of gratitude for the promised innovations. No doubt that gratitude is not to be taken at its face value. It is probably compounded very largely of a lively fear of disfavors to come. The stringent measures which the Government of India has passed against the agitators have wholesomely cowed them and the extremists, or many of them, think it politic to take the lead in applauding Lord Morley's reforms in order to avert suspicion. But even after making all the necessary deductions, it remains the fact that the boldness and generosity of the new programme have powerfully and favorably impressed Hindu opinion. The Mohammedans are less satisfied. Being a minority, they doubt whether their interests can be adequately represented and protected under any electoral system in which race and religion, and not politics, are bound to be the determining factors. British and Anglo-India opinion, so far as I can gauge it, seems

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on the whole to be satisfied, first, that the time had come for a forward movement, and, secondly, that the movement initiated by Lord Morley is comprehensive enough to satisfy all reasonable demands. There is little or no disposition to criticise the enlargement of the Viceroy's Legislative Council by the addition of elected Indians, or the appointment of Indians on the Provincial executives, or the disappearance of the official majority on the Provincial Legislative Councils. These measures place large and real responsibilities in native hands, and every one seems well content that it should be so. The only point which opposition is likely to develop is the appointment of an Indian to the Viceroy's Executive Council, which is practically the supreme governing authority of the country. Old Anglo-Indian civilians stand rather aghast at the proposal, which certainly involves a complete and dramatic departure from the familiar scheme of Indian administration, and precisely on that account deserves, perhaps, heartier commendation than any other feature of Lord Morley's plan. It is criticised as breaking into "the homogeneity of thought, character and purpose" which, at any moment of crisis, an Executive Council must possess if it is to act quickly and strongly; and it is also criticised from the standpoint that if a Hindu is appointed a Mohammedan must be appointed as well to preserve the balance of power and prestige between the two faiths and the two races. On the whole, however, Lord Morley has no reason to be dissatisfied with the reception of his reforms either in England or in India. They are recognized as a liberal and timely extension of that policy of trusting the natives and of admitting them to an administrative co-partnership in the affairs of their country which has always been one of the fixed principles of British rule in India; and the confidence is wide-spread and, I think, well-founded that they will inaugurate a tranquil, brilliant and highly educative era in the government of the great dependency.

BERLIN, *January, 1909.*

FOR the last three months Europe, and indeed the whole world, have watched with breathless but impartial interest the development of the crisis which has been provoked in Germany by the renewal of the struggle between the personal régime of the Emperor William and the supporters of representative and respon-

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sible government. The month of October, which began with the announcement of the annexation of Bosnia and Herzegovina by Austria-Hungary and with the declaration of Bulgarian independence ended with the publication, *à propos de rien,* of an interview in the London "Daily Telegraph" in which the Emperor William was represented as appealing to England for her friendship upon the strength of the many services professedly rendered to Great Britain by His Majesty in peace and war during the last twenty years. He was described as saying that on many occasions he had championed the cause of the British people against his own subjects, notably during the Boer War; that he himself had sketched and sent to Windsor a plan of campaign closely resembling that which was afterwards followed by Lord Roberts; and that he had returned a firm negative to proposals of intervention made to him by both France and Russia.

Irritated beyond endurance by the comments to which the Emperor's words had given rise abroad, the German people with one voice condemned the impulsive controller of their destinies, who was once more reaping the whirlwind harvest of his changing moods. For many days during November the Parliament of the Empire, the Reichstag, presented the disordered spectacle of a house divided, not indeed against itself, but against the nation's own representative head. For the moment it seemed as if the outburst was not mere stage-thunder, but the genuine cry of a nation which felt that it had reached years of discretion and was determined henceforth to control its own destinies. The effect was heightened by the fact that at the very time the Reichstag was engaged in these trying debates the Court Circular announced that the Emperor William was in high good-humor, and that he had been vastly entertained by a troupe of Cabaret artists who had been specially requisitioned from Berlin in order to amuse His Majesty at Prince Fürstenberg's castle of Donaueschingen, in South Germany, where he was staying for the shooting. The voice of reprobation, which until then had chidden the Emperor with the necessary restraint, was raised to a hysterical scream, and Prince von Bülow saw himself compelled to exert all his influence in order to induce His Majesty to return to the capital and face the music. The Emperor, however, was at first not to be moved, but contented himself with making a trip to the Lake of Constance, where he visited Count Zeppelin of air-ship fame,

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patted the inventor on the back, called him the "greatest man of this century," and gave him the Order of the Black Eagle.

In the mean time Prince von Bülow made to the Reichstag a statement in which penitence and emotion were suitably blended, and the Chancellor anticipated the Emperor's decisions to the extent of declaring his conviction that, "The deep excitement and painful regret which had been created in Germany by the article in the 'Daily Telegraph' would induce the Emperor in future to maintain, even in private conversation, that reserve which is equally indispensable in the interest of a uniform policy as well as for the authority of the Crown."

All this while the Emperor himself had made no sign. Throughout the second week of November rumor was busy with His Majesty's looks and words and actions at Donaueschingen, where he continued to stay for the shooting. Public irritation, however, rapidly became so profound that both the Empress and the Crown Prince were credited with having made representations to His Majesty and implored him to return to Berlin and address a message to the nation. How far these personal appeals were effectual will probably never be known, but the dramatic death of the Emperor's favorite Aide-de-Camp, General Count Huelsen-Haeseler, who dropped down dead one night after dinner at Donaueschingen, appears to have produced a deep impression upon his mind. In many quarters it was freely asserted that Count Huelsen-Haeseler had urged the Emperor to make some concession to public feeling, and that during the course of an altercation which ensued between the two men the Aide-de-Camp was seized with a fit of apoplexy and was borne dead from the room. However this may be, the Emperor appears to have made up his mind to return straightway to Berlin, not without having first paid a visit to his aunt, the Dowager Grand Duchess of Baden, sister of the Emperor Frederick, and one of the few surviving personages in high places who have witnessed the making of united Germany.

Upon arrival at the Palace at Potsdam, His Majesty summoned Prince von Bülow to his presence, and, after receiving the Imperial Chancellor's report upon the causes of the prevailing discontent "in a highly serious spirit," as the world has officially been assured, declared that he "regarded it as his highest Imperial duty to safeguard the stability of the policy of the Empire without prejudice to the responsibilities imposed by the Constitu-

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tion." But he explicitly expressed disagreement with his critics. A formal account of this memorable interview was duly published in the Official Gazette of the Empire, and for a short space the land had peace. But it did not take the critics long to discover that upon inspection the pledges which had been offered at Potsdam did not amount to much more than a repetition of what may for convenience' sake be called the Coronation Oath. Criticism burst out afresh, and the discussion of the issue was once more renewed in the Reichstag. Although less violent in tone than upon the former occasion, the debate was none the less marked by a freedom of language which until then had been unknown in Germany. In the event, the House decided that various resolutions dealing with the question of more effective Ministerial responsibility should be referred to a select Committee.

This result was not altogether unexpected, and indeed it appeared to satisfy all concerned. Committees notoriously work in a mysterious way, and it was generally felt that to gain time, in order that passions might be allowed to cool, was all-important. The Emperor for his part cannot have failed to welcome this development with a relief almost equal to that which Prince von Bülow must have experienced; while the non-socialist parties, after their first paroxysm of indignation, manifestly reflected that the tendency of their vituperations was to undermine the system upon which their own political influence was founded. As so often before, the settlement of the crisis was adjourned until further notice.

Nevertheless, this prudential attitude must not be taken to mean that nothing has been attained or accomplished as a result of the latest constitutional conflict in Germany. If one thing more than another was calculated to arrest attention, it was the unbridled license with which the person of the Emperor was attacked. An organized campaign of this kind against a monarch who has never wearied of insisting upon the divine right of his kingship was an ominous development. The struggle between the supporters of the personal régime and those of responsible government had been long delayed and often deferred, but it was rendered inevitable by the character of the present Emperor. When a few weeks before the dissolution of the Reichstag in December, 1906, Prince von Bülow challenged the Deputies to adduce a single instance in which the Emperor had violated the Con-

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stitution he was answered with a burst of mocking laughter. And yet it was impossible to refute the Chancellor's contention. The Emperor has consistently kept within the letter of the Imperial Constitution. But he has transgressed its spirit. If he had not transgressed its spirit there would have been little disposition to cavil at Prince von Bülow's assertion that the office and functions of the Chancellor furnished the most absolute guarantees against any violation of the Constitution by the Monarch. It is, however, precisely in his relations with the four successive Chancellors of the Empire that the Emperor William II has acted in flagrant opposition not to the letter, but to the spirit, of the Constitution. In effect the office of Chancellor has been reduced to insignificance. However much Prince von Bülow may boast that he has brought the actions of the Emperor into conformity with the law of the Constitution by means of his own "authentic interpretations" of them, the fact remains that, as Chancellor, he has become merely the diplomatic secretary of his Imperial master, who has too frequently disdained to avail himself of his services. More than once, and indeed as recently as last November, Prince von Bülow has hinted to the Reichstag that there was a limit to his subservience to the autocratic eccentricities of the Emperor. How problematical and vague that limit is the events of the last two years have sufficiently shown. But even if it were far less remote than appears to be the case, the argument would lose none of its force that a Chancellor dependent for his office upon the Imperial will constitutes but a frail safeguard against any breaches of the Constitution by the Monarch. So far the history of the German Empire has not produced a single Chancellor who has demonstrated his independence of mind by resigning of his own accord. They have chosen to consider themselves servants not of the people, but of the Emperor. Prince von Bülow has not profited by past experience. He has "threatened" to resign, but he has never yet translated his threat into action. The threat remains, like the whole of his career, merely a "*beau geste.*"

What the end of the present crisis will be, it is impossible to predict. The one indisputable fact is that things in Germany have undergone a fundamental change. The questions which at the moment most concern the public mind are: What will the Reichstag do, and what are the Emperor's relations with his Chan-

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cellor? There are many who profess to know that His Majesty's once intimate relations with Prince von Bülow have ceased, and that the intercourse between them is now confined to the *minimum* which is indispensable for the discharge of affairs of state. The Emperor is said to recognize that in view of the financial problems of the Empire which still call for solution, Prince von Bülow cannot for the present be allowed to retire. The question is whether, when this task has been accomplished, he will be encouraged to remain. From the point of view of a reassertion of the Imperial authority, as the Emperor William understands it, nothing could be more impolitic than an attitude which would be calculated to drive Prince von Bülow into the arms of the Liberal-Conservative *bloc* in the Reichstag. Many stages, however, remain to be passed through before the process of transformation in the German body politic can be called complete. The office of German Emperor is a neuter conception which represents merely the "Presidency" of a *primus inter pares* in the Confederation. The present holder of the office has been led by his peculiar temperament to invest his hereditary dignity with an individual, monarchic and absolutist character which was not contemplated by the authors of the Constitution. It remains to be seen how far the Emperor will be able to acquiesce in the transformation which seems to be imminent. So far he has borne none too well his altered condition and the loss of prestige in the eyes of his peers, of the German Empire and of the world at large. A certain degree of sympathy cannot but be felt with a man of the Emperor William's personality, who has toiled for Germany with untiring zeal, but with little perception for the essential needs of his country and the age. Bismarck himself used to say that his countrymen were a vain people who would readily endure any hardships provided that the policy of their rulers was sufficiently successful to keep Germany in the foreground. Under the Iron Chancellor the Germans had their fill of notoriety abroad, and cheerfully bore at home an administration which was little short of tyrannical. The record of the present Emperor in the eyes of the German people is one of extravagance and failure, and the nation, with its peculiar self-consciousness, its pride in its achievements, and its confidence in its destiny, has with one voice raised a compelling demand for more effective Ministerial responsibility. To this demand Prince von Bülow has lent an ap-

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parently attentive ear. His principle seems to be to humor the national temper until its irritation moderates under the influence of various considerations which have not yet fully asserted themselves. Pressure is exerted upon the mass of the nation from below by the uncompromising vigilance of the Social Democracy, while the survival of the mediæval Prussian class franchise and of the Prussian conception of Monarchy bars the way to reforms from above or from within. In these circumstances Prince von Bülow, or his successor, will be following the line of least resistance if he grants such formal concessions as would be entailed by more frequently summoning the Foreign Affairs Committee of the Federal Council and by supplying more detailed information on questions of foreign policy to the Reichstag.

WASHINGTON, *January, 1909.*

THE most interesting constitutional question which has been mooted for some time is raised by Senator Culberson's resolution calling for an investigation of the President's constitutional right to withhold from the Senate information which that body regards as necessary for the fulfilment of its legislative functions. What adds to the interest of the inquiry is the fact that no final adjudication of the question has been made, and that conflicting views of it have been taken in the past by the Executive, on the one hand, and the Federal Legislature, on the other. Well-informed persons in Washington are recalling some of the more striking precedents. For example, President Washington declined to communicate to the House of Representatives the correspondence relating to the British Treaty negotiated by John Jay. President Jackson, in 1833, withheld pending matters relating to the Maine Boundary dispute; and President Tyler, in 1842, declined to lay before the House of Representatives the condition of the same affair. President Polk, in 1845, in like manner withheld information from the Senate as to the pending proceedings for the annexation of Texas, and in 1848 declined to lay before the House the instructions given as to the negotiation of the treaty with Mexico. President Fillmore declined to comply with a request of the Senate, made in legislative session, for information as to negotiation with the Sandwich Islands. President Buchanan withheld from the Senate the correspondence relating to the slave-

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ship "Wanderer," and President Lincoln likewise declined, on March 26th, 1861, to communicate Major Anderson's despatches from Fort Sumter.

Does it follow that the head of a department is constitutionally justified in obeying the President's direction to withhold from Congress information which it requests? The nearest approach to an adjudication of this point by the United States Supreme Court was made in the case of Kendall *v.* Stokes (1838). After laying down the principle that the Executive power is vested in the President, and that, as far as his powers are derived from the Constitution, he is beyond the reach of the Federal Legislature, except in the mode presented by the Constitution through the impeaching power, the Court goes on to say that it by no means follows that every officer in every branch of the Executive department is under the exclusive direction of the President. "Such a principle, we apprehend, is not, and certainly cannot be, claimed by the President. It would be an alarming doctrine that Congress cannot impose upon any executive officer any duty that it may think proper which is not repugnant to any rights secured and protected by the Constitution; and in such cases the duty and responsibility grow out of the law, and are subject to the control of the law, and not to the direction of the President. This is emphatically the case when the duty enjoined is of a mere ministerial character." In the same case Chief-Justice Taney said: "The office of Postmaster-General was not created by the Constitution, nor its powers marked out by that instrument. The office was created by an act of Congress, and whenever Congress creates such an office as that of the Postmaster-General by law it unquestionably may limit its powers and regulate its proceedings; and may subject it to any supervision or control, executive or judicial, which the wisdom of the Legislature may deem right."

On the other hand, those observers of current political incidents who try to be entirely fair recall that in the case of Marbury *v.* Madison (1807) a different view of the matter had been taken by Chief-Justice Marshall. After pointing out that by the Constitution of the United States the President is invested with certain political powers in the exercise of which he is to use his own discretion, and is answerable only to his country in his political character and to his own conscience, Chief-Justice Marshall went

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on to say that to aid him in the performance of his duties the President is authorized to appoint certain officers who act by his authority and in conformity with his orders. "In such cases their acts are his acts, and whatever opinion may be entertained of the manner in which the executive discretion may be used, still there exists, and can exist, no power to control that discretion."

Senator Sherman in his "Recollections" evidently sides with Taney rather than with Marshall, and apparently would hold that in the case now under inquiry in the Senate the head of the department from whom information was requested should have complied with the request even though directed by the President not to do so. Referring to President Grant and his Cabinet, and to the impression that the President regarded the heads of departments invested by law with special and independent duties as mere subordinates whose functions he might arrogate, Senator Sherman declared that "this is not the true theory of our Government. The President is entrusted by the Constitution and the Federal laws with important powers, but so by law are the heads of departments. The President has no more right to control or exercise the powers conferred by law upon them than they have to control him in the discharge of his duties." Reminding his readers that it is especially the custom of Congress to entrust to the Secretary of the Treasury specific powers over the currency, the public debt and the collection of the revenue, Senator Sherman avers that "the President cannot exercise or control the discretion reposed by law in the Secretary of the Treasury, or in any other head or subordinate of any department of the Government. This limitation of the power of the President and distribution of power among the departments is an essential requisite of republican government."

Although in a subsequent Message he disavowed any such purpose, the President, in his first reference to the subject, did undoubtedly impute to members of the House of Representatives a wish to reduce the appropriation for secret service, for the reason that they personally dreaded investigation. As the second Message referring to the matter did not frankly acknowledge the mistake and apologize for it, the House of Representatives was justified by precedents, it is generally thought, in tabling the relevant part of that Message. The assumption of purity of motive and openness of purpose has been the normal basis of inter-

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course between the President and Congress. Thus President Cleveland said: "It has been urged as an objection to this measure [the Oleomargarine Bill] that, while purporting to be legislation for revenue, its real intent is to destroy, by the use of the taxing power, one industry of our people for the protection and benefit of another. If entitled," continued Mr. Cleveland, "to indulge in such a suspicion as the basis of official action in this case, and if entirely satisfied that the consequences indicated would ensue, I should doubtless feel constrained to interpose Executive dissent, but I do not feel called upon to interpret the motives of Congress otherwise than by the apparent character of the bill which has been presented to me." President Roosevelt undoubtedly had assumed to interpret the motives of the House of Representatives for reducing the appropriation for the secret service, and that body undoubtedly was justified in resenting the aspersion.

Among the speeches made in Georgia by President-elect Taft was one that should be peculiarly welcome to those conservative citizens who still believe in the Constitution of the United States, and who hold that the less tinkering it is subjected to the better. In the communications of the present Executive will be found many an allusion to the expediency and desirability of bringing about the amendment of the Federal organic law in this or that particular. It probably would be practicable to collect from Mr. Roosevelt's official or public utterances more references to the shortcomings of the Constitution than could be discovered in all the Messages of preceding Presidents put together. Very different is the position occupied by Mr. Taft. He appears to take for granted that there is a presumption against the advisability of any change in the Federal organic law, and that the burden of proof lies on the proponent of such a change.

From denizens of Washington, who are familiar with the heightened scale and cost of living in the national capital, nothing but applause was heard for the amendment to the legislative, executive and judicial bill increasing the salary of the President to $100,000 —practically to $75,000, because the appropriation of $25,000 for travelling expenses is to be abolished—and that of the Vice-President and Speaker of the House of Representatives to $20,000, with $5,000 additional allowance for carriages and coachmen. As Senators, when they want to keep a carriage, have to provide for it out of their own pockets, protests were heard from some of

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them against the bestowal of an allowance on the Vice-President and Speaker for the purpose. On the other hand, there was but little opposition to the increase of the salary of the Chief Justice of the United States Supreme Court to $18,000, and that of his associates on that tribunal to $17,500, coupled with a proportionate expansion in the case of Circuit and United States District Judges. It would be difficult to justify objection in these cases, when one bears in mind that the Justices of the State Supreme Court sitting in the City and County of New York receive $17,000.

Americans have reason to be proud of the munificence of their country's gifts to the sufferers from earthquake in Sicily and Calabria. The flow of contributions from the United States has by no means ceased at the hour when we write. But a recent computation showed that the American gifts amounted to nearly four million dollars, or about twice as much as then had been obtained from Italy herself, and as much as the whole of Europe (with the exception of Italy) had furnished. The proofs of sympathy afforded by Italy's allies, Germany and Austria, are by no means impressive, and, in fact, all of the European donations, with the exception of those from Great Britain and France, seem deplorably inadequate. It may be said that the United States gave more than all of Europe combined (except Italy) because it harbors many hundreds of thousands of Italians. As a matter of fact, the proportion of the four millions which emanated from Italian sojourners is insignificant.

When Secretary Root passes from the State Department to the United States Senate, he will leave little in the way of treaty-making for his successor to do. He has lately signed a great many international agreements, and to make them binding nothing remains except to submit them to the Senate and secure the sanction of that body. Of all the treaties none are more important than the three negotiated, nominally, with Great Britain, but really with Canada, since they deal exclusively with controversies pending between citizens of the Dominion and those of the United States. If these three treaties are ratified by the Senate, as it is to be hoped they will be, there will be no cause of friction left between the two branches of the English-speaking people on this continent.

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THE EDITOR'S DIARY.

A Pert Communication.

WE have received the following letter from a lady in high society, with whose request that we omit her name because of its prominence we considerately comply:

"NEW YORK.

"SIR,—Generally I do not read anything but the 'Smart Set' and 'Town Topics,' but happening to go into Jack's room the other day I picked up a number of your magazine and looked through the titles. Why in the world Jack takes it I can't think, unless to read himself to sleep, but the name of the last article (about the Decalogue not meaning women) caught my eye and I read it through. Jack says you are a great cynic, whatever that is, and it was all a joke; but I believe you were in earnest, and I am writing to tell you that I think it is awfully decent of you to take that view.

"I used to hear the Commandments read in church and supposed they applied to everybody. I had forgotten about them as I haven't time nowadays to go to church (Sunday is my busiest day), but I hunted up a Prayer Book and went through them to see (if you were mistaken) just how I stood. The *first* and *second* we may as well take together, and I am sure I am all right there. Some of my friends are Catholics and worship the Saints, but as for me I don't worship anything or anybody. I am pretty sure, too, about the *third*, for though I do use certain expletives upon occasion, that isn't taking the Lord's name in vain, *is* it? The *fourth*, of course, applies only to the Jews. We Christians haven't any Sabbath, so how could we keep it holy? I let that pass.

"As to the *fifth*, papa and mama were queer, and though after I was married I used to visit them occasionally, I couldn't help feeling glad they never wanted to come to New York. However, they are dead now, and as they left me all their money, I can easily honor their memory. Now we come to the *Sixth*. I don't think I ever killed anybody. To be sure, my motor-car ran over a little boy and he was taken up dead, but the man who had to inquire into it (I believe they called him a Coroner) was a dear, and said it was entirely accidental. However, Jack sent the boy's father a big check, and I told Pierre he really must be careful. He said, as he always does, '*Oui, Madame,*' but he knows

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I love to go fast, and if people *will* get in the way, why they must take the chances. Old Dr. Grout goes about saying that if we don't have a lot of children we are no better than murderers; but every one knows he is entirely out of date, and we know our own business, I fancy.

"I suppose the *Seventh* is the reason the Bishops are making such a fuss about divorce. Billy Waterford, who is a great wit, says he has heard that the Bible says Bishops must have only one wife, and he supposes that is why they are so furious. For my part, I despise such bigotry. Why, there were Sally Seymour and Reggie Amington. Not a Rector in town, nor even a curate, would marry them, just because they both happened to be divorced, and Reggie had to motor up to Providence and bring down to Newport some sort of a judge, a weird-looking man, Sally says. However, he married them somewhere in Sally's house, and she didn't have the least little bit of a wedding. Perfectly ghastly, wasn't it? I don't see why divorces are any one's business, except the parties'. Sometimes I meet my first husband at dinners. He says, 'Hello, Polly,' and I say, 'Hello, Jim,' so there is no ill-feeling between us, and what is it to anybody else? Just now, Jim is married to an actress he picked up in Paris.

"One nice thing about being divorced is, you generally get rid of a lot of horrid relations-in-law, and this brings me to the *Eighth* Commandment. Jim's Aunt Martha, a regular old frump, used to lecture me about my not paying my *modiste*. She said it wasn't *honest*. But Corinna's bills are absolutely *frightful*, and if there is any dishonesty about it, she is the one. Somebody gave a few of us the tip that the Knickerbocker Trust Company was going to fail, and we rushed our money out just in season. Uncle John asked me if I thought it was an *honest* proceeding. I don't see why not. You can't steal your own money, can you? As to paying bills, there are so many things one *has* to pay ready money for, and I am always very particular about paying my losses at Bridge.

"The *Ninth* is about scandal, I suppose. Well, I *may* say something about some one that is not entirely true, but no doubt other women do the same about me, so that makes it even.

"The *Tenth*, as you do truly say, shows on its very face that it is intended for men only. *Women* wouldn't be told not to covet a neighbor's wife. So we may dismiss it without further notice. Now, my dear sir, I must say again how much I thank you for your instructions, and I want to ask you if you couldn't get the 'Smart Set' to copy your article, so that *all* women may read it."

The shallow pertness of this communication deprives it of any claim to consideration; and yet, in all seriousness, we are disposed to believe that it fairly illustrates the mental and moral quality of a small class, within a larger one, kept constantly in evidence by the daily press as worthy, if not of emulation, at least of admiration.

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